

PB# 06-29

**Gateway Ind. Park
(Sub.)**

4-3-17.4

TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY
DATE: November 7, 2007

06-29 Gateway Ind. Park Sub.
Executive Dr. (Medical Bldg)

Map Number 9/8-07 City New Windsor
Section 4 Block 3 Lot 174 Town New Windsor
Village New Windsor

Title: GATEWAY Medical Plaza

Dated: 10-24-07 Filed: 12-3-07

Approved by: GENARO ARGENIE

on: 11-7-07

Record Owner: WILLIAM F HELMER

DONNA L. BENSON
Orange County Clerk

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REGULAR ITEMS:

GATEWAY MEDICAL PLAZA (WILLIAM HELMER) SUBDIVISION

(06-29)

Mr. William Helmer appeared before the board for this proposal.

MR. ARGENIO: There's two applications here, the first one is the subdivision and the second one is the actual site plan for the medical building. I'm sure you folks remember we had quite a discussion about this at our last meeting and I gave our attorney specific instructions to do some research and I'm going to turn to him now and ask Dominic what are the results of the leg work that you did for this board, Dominic, can you share some thoughts with us please?

MR. CORDISCO: Of course. Not only was it important to take a look at the historical files in connection with the prior subdivisions but it's also important to understand recent updates in case law and albeit that this was a vote by the planning board with respect to future development in how it relates to Wembly Drive, that vote was not part of an approval and more importantly it wasn't something that was recorded in any deed and there's been recent cases that have clearly stated that conditions such like that are appropriate if they're related to the approval but they have to be in some enforceable form and typically that would take the place of say a restriction that's placed on a deed such as stating that there will be no further subdivision of property until certain conditions were met. That was not done here and so I think in terms of the enforceability of the vote that was previously taken by the board that's an issue that you have to set aside but it doesn't mean that it is the end of the analysis either though because Wembly Drive or Wembly Road still has outstanding issues and so as property's that come back before the board that are directly

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related to Wembly improvements to Wembly will be an important point for those properties.

MR. ARGENIO: So I think somebody said this at the last meeting this application needs to stand on its own.

MR. CORDISCO: That's where I was going.

MR. ARGENIO: Separate and distinct from Wembly Drive and we'll get a chance at some point in time to review Wembly Drive under the current standards and as such any of the board members have any questions to what Dominic just said? Is that clear?

MR. SCHEIBLE: At what point in time, I know, all right, do we ever get those roads fixed case closed at what point in time is the answer?

MR. CORDISCO: In connection with Wembly?

MR. SCHEIBLE: Yes.

MR. CORDISCO: Well, I think it really will be driven based on what comes before the board because the board can only react to what's before it.

MR. BABCOCK: When you say roads fixed, Hank, we did ask them, they went down and they cut out the blacktop where the potholes were and they did patch all the potholes.

MR. SCHEIBLE: I took a ride down.

MR. BABCOCK: So it's all been paved to some standards.

MR. SCHEIBLE: Don't get me wrong, I'm not trying to be a--

MR. BABCOCK: I didn't know whether you were there or not.

MR. ARGENIO: I think as far as some kind of global plan, Henry, I think the answer is at some point in time when Wembly Road is proposed for further development I think it's something that we have to take under careful consideration at that time. I want to make sure that on this application we focus on what's being proposed, what's being requested of the planning board and we also take into account the comments that we're required by law to take into account that we receive from other agencies, i.e., DOT and/or County Planning. Neil, you had a question?

MR. SCHLESINGER: I don't want to interrupt, I'm sorry.

MR. ARGENIO: We need to look at the whole package. If you notice comment number 3 I'll it, the chairman is aware of numerous discussions regarding dedication of the Executive Drive as well as the traffic issue as raised by the Orange County Department of Planning, as far as dedication of Executive Drive that will happen by the Town Board, the Town Board will act on that or not act as it were. As far as Orange County Planning goes there has been quite a bit of discussion relative to this project and the traffic up in this area which myself and the members of this board and I'm certain a good quantity of the members of our community are concerned with, Mr. Helmer, would you be kind enough to share with the board members what you're actually, I know what I want to look to Mark not you from an engineering point of view, would you please share with the other board members what we have been discussing in order to satisfy the county request that they made for future development in this area and your discussions with the Department of Transportation?

MR. EDSALL: I think it's important.

MR. ARGENIO: When you're ready.

MR. EDSALL: During my commentary Bill can now post the plan and it will fit into what I'm going to advise the board on. Clearly the Orange County Planning Department had a beneficial comment in this particular case but it was one that didn't escape us before they told us we knew there was a problem out at Gateway and we had been having discussions as to what you might call globally long term, what we can do to try to look toward resolving left turn movements out of Wembly, left turn movements out of Executive which are an absolute nightmare as well as Route 207 when you say problem it's west of the Thruway. When we received the comment from the County Planning Department which didn't make as a condition any specific requirements but said that we should be talking to DOT the chairman and I had already been talking about 207 and some problems for the last couple months and this gave me a wonderful opportunity to discuss to call Glen Bouche (phonetic) from the Traffic and Safety Division out in Poughkeepsie to fly in front of him a concept of a cross-connection and Bill you might as well go ahead and post the plan, a cross connection between an extension of Executive Drive out to the area near the Flannery Animal Hospital opposite the traffic signal, what that cross connection would do is give an opportunity for vehicles that are intending to make a westbound exit to go out to an existing signal that would be modified to make that intersection functional two directions 207 and from Gateway Industrial. As well we said to Bill well that solves Executive but doesn't do a heck of a lot to solve the nightmare of UPS trucks and others trying to exit Wembly. Bill at that point discussed with us a cross-connection between Wembly and the extension of Executive. I faxed up to the state DOT a sketch not nearly as nice as the one Bill has but nonetheless gave the orientation of the road and Glen Bouche indicated that he felt that it was an extremely beneficial improvement, one that could very likely move through the DOT in quick form because it didn't involve a new light but it involved an

improvement on traffic movements and as well we discussed about 207 which is a whole other ball game. The bottom line is we're looking long term, we're not looking just at this one application which will have some impact but really doesn't warrant traffic signal modifications and the like so Bill is gonna speak with you tonight about his obligation or offer to pursue this cross connection, I think it's a long term solution and relative to this specific application the DOT asked that we coordinate with DOT, I have that phone call in fact for the record was on May 22 again with Glen Bouche from Traffic and Safety up in Poughkeepsie and in fact now we have identified long term solution so now the solution would have to be enacted but I think that's something the board can talk to Bill about.

MR. ARGENIO: What are you prepared to do, Mr. Helmer?

MR. HELMER: One of the difficulties we had as you know it's a little bit of an engineering nightmare that comes since 30 years when we started I think way before this was a, that started the subdivision to the south, we now have four entrances onto 300, 207 from Coca-Cola all the way up the original two to the south of us, now we have the one here and the one on Executive Drive so we now have four entrances. And in talking to the state like Mark did they said well, it would be wonderful if you can buy the property and get out there, we think you might however long term look at closing one or two of the roads that go in and out of the park, they don't like two entrances this close for a lot of reasons, you know, so there's going to be now we're negotiating with the Estate of the Sloan family which I understand involves somewhere around 15, 16 people and they're all over the country. You remember Hank from way back when we bought that property?

MR. ARGENIO: That has its own list of challenges.

MR. HELMER: It's a challenge to get them to accept and so forth but we're dealing with them, we're highly hopeful that we can make a deal that would solve the key to getting out by the traffic light, at least it gives us the, on the property where the light is cause this is the only light as you gentlemen know all the way down to Vails Gate, your next light is at 300 going north right parallel with the Thruway, no traffic light in between, well, there's one right where you come up through the Town Hall but that doesn't tie in with anything either on the other side. That's right in the middle of Scenic Technology building and there's no way you're going to wiggle around to get out of there so what we're working on long term and I have also talked to some people at the state and we talked to a traffic engineer about it a little bit and he said long term this is one of the solutions, it might have to be some others because of the other entrances as to how you handle those but this, so if we can procure this property which we're working hard to do at least would allow us to put on the plan some sort of entrance out off of Wembly just to there, not this one across here now because we want to save this to make sure the development if we need ten more feet on this side or that we can bring this higher or lower but this would allow us to get trucks out and turn left regardless of the traffic, as you know, traffic here now is back up almost over the hill and down the other way.

MR. ARGENIO: And you certainly wouldn't want to be investing \$140,000 in a new signal, certainly would be more economical for you to invest 10 or 15 or \$20,000 to modify an existing signal.

MR. HELMER: That's right, the cost of land is very large, that's part of the negotiation, obviously, we, they know we want it, we think there's a solution in this area, regardless, we talked to the state about that so--

MR. VAN LEEUWEN: You bought all the other houses, didn't you?

MR. HELMER: Yes, we own all four houses between the old Sloan Furniture building and the glass building. Our plan is to eventually tear those down and build office buildings.

MR. VAN LEEUWEN: You don't own the Sloan Furniture building?

MR. HELMER: We own the Sloan Furniture building, we own everything from Mr. Sloan's house to the glass building.

MR. SCHEIBLE: Not including the old Crotty Dunn?

MR. HELMER: No, that's this house in here, that's the one.

MR. BABCOCK: That and Sloan's house.

MR. SCHEIBLE: And Sloan's house.

MR. HELMER: Right. Sloan's house, what we're doing we're hoping ultimately all of us it needs a sit down between the town and state and everybody working together because UPS would, all their trucks would come out here, nobody would ever go out going north or going to the west would come out any other road in this whole park, they'd all go all the way around and out here because at most hours of the day you can get out but from 3 to 6 forget it, very difficult, people go out and turn right and they go somewhere and turn around. So we're trying to avoid that and I think what we have come up here with is at least a proposed solution that looks good to everybody, the state, the town and as far as we're concerned something that's workable.

MR. ARGENIO: A lot of people have done a lot of work

on this and I want to just repeat one thing that Mark said, this entrance is not required for the development of this small doctors' building on Executive Drive, that impact is minimal on the global picture but what we're trying to look for is as a town planning board is to plan for the future so we can put things in place moving forward that even if the people sitting up here don't see it to fruition maybe our successors will.

MR. CORDISCO: That's an important point because it's consistent with the recommendations of the County Planning Department in this regard, that's exactly what they asked us to do, that's exactly what we've been doing.

MR. ARGENIO: And we don't always listen to them, do we?

MR. CORDISCO: Well but if you don't, you know, you'd have to override their vote by a super majority.

MR. HELMER: If we can, if they can go forward we have about 17 million dollars in rateables in this park, now this would allow us to build another 25 million in rateables for the town, without, as you know, a pump station we built in there, there are some problems here and there, we have in the file and available for anybody to look at approvals going way back to 1978, '82, all of them with the road section and that was approved and so forth so we'll work with the town to get this thing to the next level.

MR. ARGENIO: Does anybody have any questions on this?

MR. SCHEIBLE: How far away are you from, is that Eugene Sloan, the family?

MR. HELMER: Well, it's the family but it's Warren Sloan immediately and I guess like when we bought originally they're all over the country, his will must

state he gives so much to nieces and nephews.

MR. SCHEIBLE: How many acres are involved in that?

MR. HELMER: It's 2/3 of an acre, pardon this expression, it's a junky house, nobody's lived there for 25 years, he used to go there to take phone calls from 12:30 to 1:30 every day, that's all he did there.

MR. SCHEIBLE: I think that's a great idea if that could be concluded, I've lived in that neighborhood for over 60 years and I remember coming out of there, you never had to look left or right but now you've got to sit there for 20 minutes before you get out of your driveway.

MR. HELMER: That's the problem as I said starting to the south end there's two roads out of there now, Coca-Cola and beyond Coca-Cola and we built another one and then Executive Drive's another one so we have four exits entrances out of the same park.

MR. ARGENIO: The DOT is certainly looking to close driveway entrances and consolidate them whenever they can, we've seen that for years here they're looking to consolidate.

MR. SCHEIBLE: Has the DOT ever said anything about the little spur when you go up 207 on the right-hand side closing that off? Just curious.

MR. HELMER: That goes right opposite, you mean the one that slivers over here to go to the right? The DOT promotes and all this traffic engineering right angle intersections because they don't like, people don't like, they side swipe each other, so I would think down the road. With the traffic on 300 something is going to happen with that road.

MR. ARGENIO: At this point, the DOT over time who knows what's in the future, turning lanes possibly, who knows.

MR. SCHLESINGER: I compliment everybody who's come up with this plan, it's a long term plan but it's a no-brainer as far as I'm concerned. The other I don't want to beat a dead horse but one thing that I'm concerned about in regard to what we first started talking about when we opened up this application this evening is that we all are aware that there's a problem on Wembly Road due to some sort of neglect and I know that your application has nothing to do with Wembly Road that you stand on your own, the merits of your application, however, I wouldn't want anything to impact an existing problem much like it's our job, we owe all the residents in this town fiduciary duty to protect them to any other problems or creating any, making any other problem worse and I think that the tenants that exist on Wembly Road have a problem and that I would hope that the immediate work, the work that's in the near future has no impact on or any problems on Wembly.

MR. HELMER: No and I think Wembly has been improved greatly by you.

MR. ARGENIO: I want Mark to comment at the way this Executive Drive package impacts Wembly, I'd like him to address that.

MR. EDSALL: I agree with Neil that we have to be careful not to have any improvements that may seem wonderful on the surface exacerbates another problem. The Wembly Drive situation will obviously have to be resolved before the cross connection can be put in so timing wise we need to I believe come up with some concept on when the Executive Drive extension will be connected into the signal or when it will be proposed assuming Bill's successful in obtaining the lot and

also when we feel the cross connections needed between Executive and Wembly and at that point the trigger on fixing up Wembly is there, it's got to happen.

MR. ARGENIO: Bill, let me ask you kind of an off the cuff question. What do you think the timing is for something like that connection happening, is it 20 years or is it five years?

MR. HELMER: No, no, no, you know, this frontage now is becoming more valuable as you know because of what's going on but we have turned down you got to realize at least 20 people that want to buy an acre or two for, you know, you name what and we've said we want to stick with offices up along 300 and 207 and warehousing and distribution down below so, you know, I have an offer a week now for one of these houses to build something and we've turned that down.

MR. ARGENIO: So the marketplace is a good marketplace.

MR. HELMER: Yeah which it hasn't been in a long time as you know residential for the last 20 years was pretty hot, you couldn't give away this land, I mean, I have this land listed for a \$100,000 an acre, never got an offer and I'm paying \$250,000 for a house lot, so you've got to understand what's happened here now with Stewart and some other things happening, that's why I said this has got some potential to bring the town some real rateables.

MR. ARGENIO: To answer my original question.

MR. HELMER: I think three to five years it's got to be done, I've got two offers on the table to sell the whole park, I'd just as soon stick with it because everything we build has been pretty good, we have UPS, we have the office building, we have the Mt. Ellis Paper and Gateway.

MR. EDSALL: Would it be reasonable, I'm asking Bill, we know Executive is going to continue to be discussed and it's going to be in front of the Town Board for dedication and again when you say you have two offers to sell the whole park it makes it more important for us to--

MR. HELMER: I'm not going to sell it.

MR. EDSALL: I know but we don't know what could happen, it's important for us to get something memorialized even if it's in concept and an obligation is it reasonable that the Town Board could have a developer's agreement with you at such time that Executive is dedicated that would bond the cross connection and would obligate you to construct something of the same configuration? Obviously, the road may slide, is that something that would be reasonable?

MR. HELMER: We have some bonds up now, Myra's said they go way back, we've been renewing them every year for 30 years, 25 years. What we need to do I have this document which was executed by the town in 1995, we need to have a meeting with a workshop with the town to resolve this issue that takes care of Executive Drive the improvements of it and the ability to dedicate it.

MR. EDSALL: That's why I'm keying the two of them together.

MR. HELMER: That happens we can move on with the next problem.

MR. EDSALL: I don't know that this cross connection and bonding are something that's an appropriate condition for what's before this board, but it could be something the Town Board could deal with as a developer's agreement when you take Executive we also get an obligation to do what you're telling us and also

get a bond. So if you decide to move to Key West and the weather's a lot better somebody who buys the lot from you--

MR. HELMER: I've lived through it 30 years, I want to see it finished. So does Myra.

MR. EDSALL: We need to get something.

MR. ARGENIO: Do you agree with that request?

MR. HELMER: Yeah, we'll work hard, everybody has been working on it, we've been calling the attorneys involved with the estate telling them we want last shot at it, I don't see, you know, this industrial park is minimum 2 acre lots and I don't see them building much on it if they sell it to somebody else, you guys go to improve a medical building that's wall to wall there I don't see that happening because it's 2/3 of an acre.

MR. ARGENIO: The problem is Bill I've not been around the block as many times as you just by virtue of my age and experience but I certainly have seen crazier things happen in my limited time here, just unbelievable some of the things that happen. Okay, Mark?

MR. VAN LEEUWEN: I think a good way to put this, okay, you work with us and we'll work with you.

MR. HELMER: And I will.

MR. VAN LEEUWEN: Well you haven't done that in the past, let's get on the ball.

MR. HELMER: We have struggled here, I've started this project and I got hell.

MR. VAN LEEUWEN: I was here when you started the project when we first approved it.

MR. HELMER: Building a pump station that the town was going to build for me that never got built, we've put in drainage structures, put in the pump station.

MR. ARGENIO: You know what, it's moot, I don't want to get into it, it's moot so let's--

MR. HELMER: We want to move on.

MR. ARGENIO: Correct, correct, so here we are. Let's take a look at this. There's some on the subdivision application there are some things here that Mark has that are engineering issues, I'll read this. The road construction details have been revised and now does not conform to Town Code, that's a pretty generic thing that needs to be cleaned up. Pavement should be--

MR. HELMER: Could I just address that?

MR. ARGENIO: Certainly.

MR. HELMER: Our subdivision approval for that road in the town's specifications for that road in 1995 was one layer of eight inches of base, four inches of binder, two inches of top.

MR. ARGENIO: Unless I'm mistaken, Mark, are we talking about new construction here?

MR. EDSALL: Yeah, the new construction.

MR. HELMER: The extension of Executive Drive.

MR. ARGENIO: Not talking about what's there now.

MR. EDSALL: What's there is there, anything new you build has to meet the law now.

MR. ARGENIO: We're talking about the detail for the new piece of road.

MR. HELMER: Extension from here to here.

MR. EDSALL: That's all, yes.

MR. CORDISCO: And the construction details have to reflect the current code.

MR. HELMER: And I have the drawing six copies of them cause our engineer tried to talk to you, I have them here to give you that show it.

MR. EDSALL: I'll review them if they reach conclusion I'll be looking at them before they're stamped.

MS. MASON: Let me have all of of them.

MR. HELMER: No, they faxed the details to you for approval I think about a week and a half ago.

MR. EDSALL: Didn't see it.

MR. ARGENIO: The message is pretty basic, the new road construction for the new construction needs to meet the current town road standards, I'm sure, what's your name again?

MR. OLSEN: John Olsen.

MR. ARGENIO: I'm sure Mr. Olsen is aware of that, that's pretty basic. You have a catch basin detail there as well that does not conform to Town Code which needs to be revised, again, not a big issue but it's and again, this applies to the new construction. Mark's office has accepted the SWPPP and John is it in your office that revised that?

MR. EDSALL: Yes.

MR. ARGENIO: He's reviewed that and he's quite a

stickler for details and that's in its final form and is acceptable.

MR. EDSALL: Mr. Chairman, on the drainage the only other issue the board asked us to look at was the current situation with the triple culvert going to I believe Bill what you call the ICOS (phonetic) property which is that back property, that triple culvert is really not needed because access to that lot is not needed at this time. If that culvert situation was modified if the sections were pulled out and then ultimately when it's developed a new system will be put in that would eliminate a back water that's currently occurring not only towards this project but also through the trapezoidal channel that runs through the Gateway Industrial Park. So it's my suggestion and having already spoken with Bill and he said he'd be willing to if he had to pull out a culvert to make the problem go away he'd do it.

MR. ARGENIO: That goes directly to the issue that Neil had brought up earlier about the drainage issue down there.

MR. HELMER: I met with Greg Shaw, got it on his plan and design and we put on here we can actually bypass that or take the pipe out that was approved as I said by the town to put in years ago and the invert is right or the new drainage we put in but what happens is you get heavy storms, some trees fall, some limbs go down and it backs it up, it's three pipe culverts rather than an open.

MR. ARGENIO: So as an additional requirement of approval you'd agree to pull those culverts out?

MR. HELMER: Either pull out or bypass.

MR. EDSALL: The difficulty is there's a bypass, it really wasn't built right, the other problem with the

bypass the natural flow pushes the debris to the sides and the bypass gets obstructed. If we take the culverts out--

MR. ARGENIO: Are you going to take them out?

MR. HELMER: Either way you want, doesn't matter, it's not a big deal.

MR. ARGENIO: Okay that hopefully will remedy it.

MR. HELMER: All of this was put in exactly to the design, the thing that didn't happen here is the owner of Mt. Ellis Paper didn't give the proper easement to the town so that the drainage is larger in structure than the easement.

MR. ARGENIO: Let's not get twisted up about that. Mark feels that removal of those culverts or some portion of the culverts will relieve the problem that you have there.

MR. HELMER: It will help, it won't stop it a hundred percent because the loading dock is a very big, flat area.

MR. ARGENIO: I've been there five times the past month and the building is very, very low.

MR. HELMER: It's a couple feet too low.

MR. EDSALL: The culvert removal will move toward helping the problem lessen.

MR. ARGENIO: Mike can verify this, we have the same problem over at Shop Rite with that grate.

MR. BABCOCK: That's where this water's going.

MR. ARGENIO: Every two years, George, what's the road

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in the back there behind Shop Rite that goes to the apartments?

SUPERVISOR GREEN: Vails Gate Heights.

MR. ARGENIO: It's under water if they don't clean the grate it's under water so I certainly agree with your findings, Mark.

MR. BABCOCK: Yeah, it needs to be removed and I tell you why because once it does get collected and it takes a very long time to get somebody here when I call you and get the backhoe in this area.

MR. ARGENIO: That will be a condition of approval. Does anybody have anything else on this subdivision? Mark, am I missing anything procedurally?

MR. EDSALL: No, we have and I appreciate Bill's cooperation, we really--

MR. ARGENIO: I certainly do.

MR. EDSALL: --worked hard to get this moving forward.

MR. ARGENIO: I certainly do too, Mr. Helmer, we appreciate your cooperation.

MR. HELMER: Well, like Henry says we'll work together to get it done.

MR. ARGENIO: Motion.

MR. CORDISCO: Mr. Chairman, actually four votes the board should take tonight if you're considering approving the subdivision, first one would be adoption of the negative declaration, second one would be for preliminary approval.

MR. ARGENIO: I'll accept a motion for negative dec.

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MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on the William Helmer minor subdivision Gateway Industrial Park. If there's no further discussion from the board members, roll call.

ROLL CALL

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| MR. SCHLESINGER | AYE |
| MR. BROWN | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. CORDISCO: I will prepare a negative declaration.

MR. ARGENIO: I'm certain you will. What's the next procedure?

MR. CORDISCO: Granting preliminary subdivision approval.

MR. ARGENIO: I'll accept a motion we grant preliminary subdivision approval.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded to grant preliminary subdivision approval for Bill Helmer subdivision Gateway Industrial Park. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. SCHEIBLE AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. CORDISCO: Next one would be given the fact that the plans are in near final form and they need to be only slightly modified you could move on directly to conditional final approval but before you do that you would have to waive the discretionary public hearing on the final plat.

MR. VAN LEEUWEN: So moved.

MR. CORDISCO: Waive the final plat here.

MR. VAN LEEUWEN: Make a motion.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive our discretionary public hearing on this application. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. SCHEIBLE AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. CORDISCO: One last one and that would be to grant conditional final subdivision approval, the conditions would be of course that the plans are revised to address Mr. Edsall's comments and also that a bond be provided, bond estimate in particular be provided prior

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to signature on the final plat.

MR. ARGENIO: And that bond estimate, Mr. Helmer, is relegated to the improvements on Executive Drive, the the acquisition of the house.

MR. EDSALL: That's an actual bond as well because they're public improvements so the Town Board has to take a bond for the public improvements.

MR. CORDISCO: We would specify that in the written resolution. That's all the terms, you need a motion and a second--

MR. VAN LEEUWEN: So moved.

MR. CORDISCO: --granting final approval.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer William Helmer subdivision conditional final approval subject to precisely what Mr. Cordisco just read into the minutes. If there's no further discussion from the board members, roll call.

MR. SCHLESINGER: Does this have anything to do with the discussions that we talked about long term plans because there was some intent to have some honorable agreements on that, this is not relative to that?

MR. EDSALL: It's not part of this subdivision but clearly the Supervisor of the Town of New Windsor is here, Mr. Helmer is here and I think it's pretty well understood that when he wants to move forward with the dedication of the Executive Drive portion that was agreed to in 1995 the Town Board is going to be looking for that agreement for the extension and so on.

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MR. SCHLESINGER: These minutes highlight it so everybody will be refreshed at the time of the dedication to know what the intent was of everybody based upon the conversations at this meeting.

MR. EDSALL: I won't forget...

ROLL CALL

| | |
|-----------------|-----|
| MR. SCHLESINGER | AYE |
| MR. BROWN | AYE |
| MR. SCHEIBLE | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. CORDISCO: I misrepresented, there's one additional vote if the board would kindly just authorize the chairman to sign the resolutions that I prepared that reflect your prior votes then I think we've got a full deck.

MR. ARGENIO: I'll poll the board. Neil, will you authorize me to sign that when it's prepared?

MR. SCHLESINGER: Repeat that one.

MR. CORDISCO: I will prepare written resolutions that say everything that you just did and so that there's a firm record.

MR. ARGENIO: Howard, will you authorize me to sign that?

MR. BROWN: Yes.

MR. ARGENIO: Hank Scheible, will you?

MR. SCHEIBLE: As long as our legal and engineering and planning all agree to it I say yes.

June 13, 2007

29

MR. ARGENIO: Mr. Van Leeuwen?

MR. VAN LEEUWEN: I don't know but I guess I'll go along with it.

MR. ARGENIO: Great, thank you, Dominic.

MR. HELMER: Thanks, gentlemen.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENT@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: WILLIAM HELMER MINOR SUBDIVISION
(GATEWAY INDUSTRIAL PARK)
PROJECT LOCATION: OFF NYS ROUTE 300
SECTION 4 – BLOCK 3 – LOT 17.4
PROJECT NUMBER: 06-29
DATE: 13 JUNE 2007
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 15.6 +/- ACRE
PARCEL INTO TWO (2) LOTS. THE PLAN WAS PREVIOUSLY REVIEWED
AT THE 8 NOVEMBER 2006, 10 JANUARY 2007 AND
23 MAY 2007 PLANNING BOARD MEETINGS.

1. As noted in the prior meeting comments, the following open items regarding the application:
 - The road construction detail has been revised and now does not conform to the Town Code. Pavement should be 4" binder (two courses), 2" top, and 12" NYSDOT Item #4 subbase.
 - The catch basin detail has been revised, but it still does not conform to the Town Code. Please revise.
 - The applicant should be directed to submit the Public Improvement Bond Estimate to the Engineer for the Planning Board for review, and subsequent approval of the Town Board.
2. The Stormwater Pollution Prevention Plan (SWPPP) has now been revised and is in final form.
3. The Chairman is aware of numerous discussions regarding the dedication of Executive Drive, as well as the traffic issue as raised by the Orange County Department of Planning.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW06-29-13June07.doc

634-5543

REGIONAL OFFICES

- 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-795-3399 •

RESOLUTION GRANTING PRELIMINARY SUBDIVISION APPROVAL

Gateway Industrial Park

PB # 06-29

(S-B-L: 4-3-17.4)

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a preliminary subdivision plat by HZ Development (the "applicant") for a project described as the "Gateway Medical Plaza";

WHEREAS, the subject site consists of 15.6 acres of land, located on the south side of Route 300, opposite Route 207 and comprised of one tax map parcel in the Town of New Windsor, and designated on the tax map as Section 4, Block 3, and Lot 17.4; and

WHEREAS, the action involves a request for a two (2) lot subdivision approval from the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for preliminary subdivision plat approval was held on January 10, 2007, which was closed on that date, at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on June 13, 2007 the Planning Board waived the discretionary public hearing on the proposed final plat; and

WHEREAS, the application and related materials were referred to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on January 17, 2007, recommending approval pending consultation with NYSDOT; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the Planning Board, acting as Lead Agency, has previously determined that the Proposed Action minimizes or avoids significant environmental impacts and has previously adopted a negative declaration; and

WHEREAS, the applicant has applied for preliminary subdivision approval, and has submitted a proposed preliminary subdivision plat prepared by Atzl, Scatassa & Ziegler, PC, consisting of 3 sheet(s), dated November 21, 2006 and last revised on May 3, 2007; and

NOW, THEREFORE, the Planning Board hereby grants preliminary subdivision approval to the Applicant. Final subdivision approval shall not be granted until the Applicant has complied with the following conditions:

1. All plans and other documents submitted in support of the application for final subdivision plat approval shall be reviewed for consistency with each other after the revisions required by this resolution have been made. Any additional revisions required shall be made to the satisfaction of the Planning Board Engineer and Planning Board Attorney.
2. Preparation and submission of a final subdivision plat containing all required elements as set forth in the Subdivision Regulations of the Town of New Windsor.
3. Submission of written evidence of having obtained approval by all other required approvals.

AND BE IT FURTHER RESOLVED, that this approval of the preliminary subdivision plat application shall expire six (6) months from the date hereof if no application for final subdivision plat approval is submitted, unless an extension of this time period is requested by the Applicant prior the expiration of this approval and approved by the Planning Board.

Upon motion made by Member Henry Vanleeuwen, seconded by Member Henry Schieble, the foregoing resolution was adopted as follows:

| | | | | |
|--------------------------|--------------------------------------|---------------------------|-------------------------------|---|
| Member, Daniel Gallagher | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input checked="" type="radio"/> Absent |
| Member, Howard Brown | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Member, Neil Schlesinger | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Member, Henry Vanleeuwen | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Chairman, Genaro Argenio | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |

| | | | | |
|---------------------------|--------------------------------------|---------------------------|-------------------------------|------------------------------|
| Alternate, Henry Schieble | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
|---------------------------|--------------------------------------|---------------------------|-------------------------------|------------------------------|

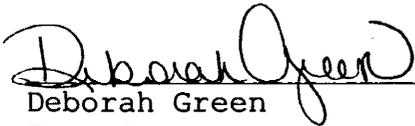
Dated: June 27, 2007
New Windsor, New York



Genaro Argenio Chairman

Filed in the Office of the Town Clerk on this 14th day
of ~~June~~, 2007.

August



Deborah Green
Town Clerk

**RESOLUTION ADOPTING A NEGATIVE DECLARATION
UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

Gateway Industrial Park

PB # 06-29

(S-B-L: 4-3-17.4)

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a preliminary subdivision plat by HZ Development (the "applicant") for a project described as the "Gateway Medical Plaza";

WHEREAS, the subject site consists of 15.6 acres of land, located on the south side of Route 300, opposite Route 207 and comprised of one tax map parcel in the Town of New Windsor, and designated on the tax map as Section 4, Block 3, and Lot 17.4; and

WHEREAS, the action involves a request for two (2) lot subdivision approval from the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for preliminary subdivision plat approval was held on January 10, 2007, which was closed on that date, at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on June 13, 2007 the Planning Board waived the discretionary public hearing on the proposed final plat; and

WHEREAS, the application and related materials were referred to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on January 17, 2007 recommending approval pending consultation with NYSDOT ; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of this preliminary subdivision plat.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for a coordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Henry Vanleeuwen, seconded by Member Howard Brown, the foregoing resolution was adopted as follows:

| | | | | |
|--------------------------|------------|-----|---------|---------------|
| Member, Daniel Gallagher | Aye | Nay | Abstain | <u>Absent</u> |
| Member, Howard Brown | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Neil Schlesinger | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Henry Vanleeuwen | <u>Aye</u> | Nay | Abstain | Absent |
| Chairman, Genaro Argenio | <u>Aye</u> | Nay | Abstain | Absent |

Alternate, Henry Schieble

Aye

Nay

Abstain

Absent

Dated: _____, 2007
New Windsor, New York


Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 14th day
of ~~June~~, 2007.

August


Deborah Green
Town Clerk

RESOLUTION GRANTING CONDITIONAL FINAL SUBDIVISION APPROVAL

Gateway Industrial Park
PB # 06-29
(S-B-L: 4-3-17.4)

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision plat by HZ Development (the "applicant") for a project described as the "Gateway Medical Plaza";

WHEREAS, the subject site consists of 15.6 acres of land, located on the south side of Route 300, opposite Route 207, and comprised of one tax map parcel in the Town of New Windsor, and designated on the tax map as Section 4, Block 3, and Lot 17.4; and

WHEREAS, the action involves a request for a two (2) lot subdivision approval from the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for conditional final subdivision plat approval was held on January 10, 2007, which was closed on that date, at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on June 13, 2007 the Planning Board waived the discretionary public hearing on the proposed final plat;

WHEREAS, the application and related materials were referred to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on January 17, 2007, recommending approval pending consultation with NYSDOT; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the Planning Board, acting as Lead Agency, has previously determined that the Proposed Action minimizes or avoids significant environmental impacts and has previously adopted a negative declaration; and

WHEREAS, the applicant has applied for final subdivision approval, and has submitted a proposed preliminary subdivision plat prepared by Atzl, Scatassa & Ziegler, PC, consisting of 3 sheet(s), dated November 21, 2006 and last revised on May 3, 2007; and

NOW, THEREFORE, the Planning Board hereby grants conditional final subdivision approval to the Applicant. The Chairman shall not sign the final plat until the Applicant has complied with the following conditions:

1. The applicant shall pay all outstanding fees due the Town for review of this application;
2. The applicant shall satisfy any other condition(s) imposed by the Planning Board as shown in the minutes of the Planning Board's June 13, 2007 meeting;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency;
4. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plat for signature within six months of the date of this resolution.

AND BE IT FURTHER RESOLVED, that this approval of the conditional final subdivision plat application shall expire on June 7, 2008, as the Planning Board has herewith granted all applicable extensions, and no further extension may be granted.

Upon motion made by Member Henry Vankeeuwen, seconded by Member Howard Brown, the foregoing resolution was adopted as follows:

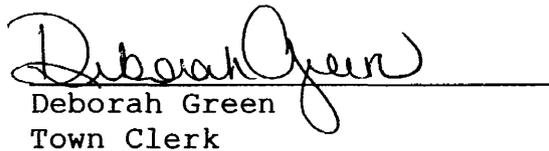
| | | | | |
|---------------------------|------------|-----|---------|---------------|
| Member, Daniel Gallagher | Aye | Nay | Abstain | <u>Absent</u> |
| Member, Howard Brown | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Neil Schlesinger | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Henry Vanleeuwen | <u>Aye</u> | Nay | Abstain | Absent |
| Chairman, Genaro Argenio | <u>Aye</u> | Nay | Abstain | Absent |
| - - - | | | | |
| Alternate, Henry Schieble | <u>Aye</u> | Nay | Abstain | Absent |

Dated: June 27, 2007
New Windsor, New York


Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 14 day
of ~~June~~, 2007.

August


Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/28/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 6-29
NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064
APPLICANT: WILLIAM HELMER

| --DATE-- | MEETING-PURPOSE----- | ACTION-TAKEN----- |
|------------|----------------------|---|
| 11/07/2007 | PLANS STAMPED | APPROVED |
| 06/13/2007 | P.B. APPEARANCE | ND: APPR COND |
| 01/10/2007 | P.B. APPEARANCE | CL PH; REV & RET |
| 11/08/2006 | P.B. APPEARANCE | LA: RETURN . APPLICANT TO CORRECT PROBLEMS WITH EXECUTIVE DRIVE/WEMBLY . ROAD - NEED CORRECTED PLANS PRIOR TO SENDING TO OCPD |
| 10/18/2006 | WORK SHOP | SUBMIT |

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/28/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 6-29

NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064

APPLICANT: WILLIAM HELMER

| | DATE-SENT | ACTION----- | DATE-RECD | RESPONSE----- |
|------|------------|--------------------------------|------------|---------------|
| ORIG | 10/30/2006 | EAF SUBMITTED | 10/23/2006 | WITH APPLIC |
| ORIG | 10/30/2006 | CIRCULATE TO INVOLVED AGENCIES | / / | |
| ORIG | 10/30/2006 | LEAD AGENCY DECLARED | 11/08/2006 | TOOK LA |
| ORIG | 10/30/2006 | DECLARATION (POS/NEG) | 06/13/2007 | DECL NEG DEC |
| ORIG | 10/30/2006 | SCHEDULE PUBLIC HEARING | / / | |
| ORIG | 10/30/2006 | PUBLIC HEARING HELD | 01/10/2007 | CLOSED PH |
| ORIG | 10/30/2006 | WAIVE PUBLIC HEARING | / / | |
| ORIG | 10/30/2006 | FINAL PUBLIC HEARING | / / | |
| ORIG | 10/30/2006 | PRELIMINARY APPROVAL | / / | |
| ORIG | 10/30/2006 | LEAD AGENCY LETTER SENT | / / | |

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/07/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 6-29
NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064
APPLICANT: WILLIAM HELMER

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|------------|-------------------------|--------|-----------|-----------|-----------|
| 11/05/2007 | 4% OF 163,354. INSP FEE | CHG | 6534.16 | | |
| 11/07/2007 | REC CK. #4796 | PAID | | 6534.16 | |
| | | TOTAL: | 6534.16 | 6534.16 | 0.00 |

Inspection fee.

*J. Lemagna
11-8*

P.B. #06-29 Inspection fee

WILLIAM F. HELMER
27 ROUTE 210 942-1330
STONY POINT, NY 10980

4796

DATE Nov 5, 2007 50-7044/2219

PAY TO THE ORDER OF The Town of New Windsor \$ 6534¹⁶

Six Thousand Five Hundred Thirty Four ¹⁶/₁₀₀ DOLLARS

Provident Bank
03 - STONY POINT, N.Y. 10980

FOR Inspection Fees #06-29 Subdivision *William F Helmer*

⑈004796⑈ ⑆221970443⑆ 036004950⑈

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#853-2007

11/08/2007

Helmer, William F. *P.B. #06-29*

Received \$ 360.00 for Planning Board Fees, on 11/08/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/07/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 6-29
NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064
APPLICANT: WILLIAM HELMER

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|------------|-------------------|-------|-----------|-----------|-----------|
| 10/23/2006 | REC. CK. #4617 | PAID | | 500.00 | |
| 11/08/2006 | P.B. MINUTES | CHG | 42.00 | | |
| 11/08/2006 | CORDISCO- FEES | CHG | 892.50 | | |
| 12/29/2006 | LEGAL NOTICE | CHG | 11.50 | | |
| 01/10/2007 | P.B. MINUTES | CHG | 91.00 | | |
| 05/23/2007 | P.B. MINUTES | CHG | 91.00 | | |
| 06/13/2007 | P.B. MINUTES | CHG | 161.00 | | |
| 11/05/2007 | P.B. ENGINEER FEE | CHG | 3755.90 | | |
| 11/07/2007 | REC CK. #4795 | PAID | | 4544.90 | |
| | TOTAL: | | 5044.90 | 5044.90 | 0.00 |

J. Kenney 11-8-07

P.B. #06-29 ESCROW

Security Financial Document. See back for details.

WILLIAM F. HELMER
27 ROUTE 210 942-1330
STONY POINT, NY 10980

4795

50-7044/2219

PAY TO THE ORDER OF The Town of New Windsor DATE Nov 5, 2007

Four Thousand Five Hundred Forty Four & 90/100 \$ 4544.90 DOLLARS

Provident Bank
03 - STONY POINT, N.Y. 10980

FOR Planning Board Fees #06-29 Subdivision *William F. Helmer*

⑈004795⑈ ⑆221970443⑆ 036004950⑈

**Berkley Regional Insurance Company
A Member Company of the W.R. Berkley Corporation**

Public Improvements Completion Bond

Bond No. 082330

KNOW ALL MEN BY THESE PRESENTS, THAT WE, William F. Helmer, 6 Burd Street, Nyack, New York 10960, as Principal, and Berkley Regional Insurance Company, located at 60 East 42nd Street, Suite 1524, New York, New York 10165, a Corporation organized and existing under the laws of the State of Delaware, and authorized to do business in the State of New York, as Surety, are held and firmly bound unto the Town of New Windsor, New Windsor, New York, as Obligee, in the sum of One Hundred Sixty Three Thousand Three Hundred Fifty Four Dollars and no/100, (\$163,354.00) lawful money of the United States of America, to the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors, and assigns firmly by these presents.

WHEREAS, the Principal has entered into a written agreement with the Obligee for the Gateway Subdivision Public Improvements/Project No. 3345, Gateway Medical Plaza, Town of New Windsor, New York, which agreement is hereby referred to and made a part hereof as fully and to the same extent as if copied at length herein, and

WHEREAS, the terms and conditions of said agreement call for the principal to perform public improvements at the Gateway Medical Plaza in the Town of New Windsor, New York in said subdivision, collectively called "improvements."

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the Principal shall promptly and faithfully complete the construction of said improvements in accordance with the plans and specifications prepared by a registered, professional civil engineer, and approved by the Obligee, including the warranty of said construction for a period of one (1) year following the acceptance of said improvements, then this obligation shall be void; otherwise, to remain in full force and effect.

Signed, sealed and dated this 14th day of September, 2007.

By: William F. Helmer
William F. Helmer

Berkley Regional Insurance Company
By: Marianne L. Calise
Marianne L. Calise-Attorney-in-Fact

Individual Acknowledgment

State of New York
County of Rockland } ss.

On this 14th day of Sept, 2007, before me personally came

William F. Helmer

to me known, and known to me to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he executed the same.

ANTHONY BRUNO, JR.
Notary Public, State of New York
No. 01BR5015493
Qualified in Rockland County

My commission expires Commission Expires July 19, 2009

Notary Public

.....
Acknowledgment

State of _____
County of _____ } ss.

On this _____ day of _____, 19____, before me personally came

to be a member of the firm of _____ described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed the same as and for the act and deed of said firm.

My commission expires _____

Notary Public

Acknowledgment

State of New York
County of Rockland } ss.

On this 17th day of September, 2007, before me personally came

William F. Helmer

to me known, who being by me duly sworn, did depose and say that he is the Owner

of Property - Gateway Medical Bldg - Project No 3345 the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

My commission expires _____

Notary Public

Acknowledgment

State of New York
County of Westchester } ss.

On this 14th day of September, 2007, before me personally came

Marianne L. Calise

to me known, who, being by me duly sworn, did depose and say that

he is an attorney-in-fact of Berkley Regional Insurance Company the corporation described in and which executed the within instrument; that he knows the corporate seal of said corporation; that the seal affixed to the within instrument is such corporate seal, and that he signed the said instrument and affixed the said seal as Attorney-in-Fact by authority of the Board of Directors of said corporation and by authority of this office under the Standing Resolutions thereof.

My commission expires May 17, 2011

DEBRA NEWMAN
#01NE6024855

Notary Public, State of New York
Qualified in Dutchess County
My Commission Expires 05/17/2011

BERKLEY REGIONAL INSURANCE COMPANY**STATEMENT, DECEMBER 31, 2006**
(AMOUNTS IN THOUSANDS)**STATUTORY BALANCE SHEET****Admitted Assets**

| | |
|-------------------------------|----------------|
| Bonds | \$ 1,043,006 |
| Common & Preferred Stocks | 648,051 |
| Cash & Short Term Investments | 118,517 |
| Premiums Receivable | 326,098 |
| Other Assets | <u>266,644</u> |

Total Admitted Assets \$ 2,402,316

Liabilities & Surplus

| | |
|---------------------------|---------------|
| Loss & LAE Reserves | \$ 1,079,621 |
| Unearned Premium Reserves | 594,358 |
| Other Liabilities | <u>63,371</u> |

Total Liabilities \$ 1,737,350

| | |
|----------------------------|----------------|
| Capital Stock | 4,000 |
| Additional Paid In Capital | 347,723 |
| Unassigned Surplus | <u>313,243</u> |
| | \$ 664,966 |

Total Policyholders' Surplus \$ 2,402,316

Total Liabilities & Surplus

Officers:

President: William Robert Berkley
Treasurer: Robert Floyd Buehler
Sr. Vice President: Eugene George Ballard
Vice President: Robert Paul Cole
Vice President: Clement Patrick Patafio
Corporate Secretary: Ira Seth Lederman

Directors:

William Robert Berkley
Eugene George Ballard
Robert Paul Cole
William Robert Berkley, Jr.
Ira Seth Lederman
Clement Patrick Patafio
James Gerald Shiel
Paul James Hancock
Robert C. Hewitt

Inquiry and Notification Rider

Berkley Surety Group, Inc. manages all of the surety business of the following affiliated companies: Acadia Insurance Company, Berkley Regional Insurance Company, Carolina Casualty Insurance Company, Union Standard Insurance Company and the companies of Continental Western Group.

**To verify the authenticity of this bond please call:
(973) 549-1700 or Telefax (973) 301-4869**

Any written notices, inquiries, claims or demands to the surety on the bond to which this Rider is attached should be directed to:

**Berkley Surety Group, Inc.
325 Columbia Turnpike
Suite 203
Florham Park, NJ 07932
Attention: Surety Claims Department**

Or

Telefax: (866) 408-2421

Please include with all notices the bond number and the name of the principal on the bond. Where a claim is being asserted please set forth generally the basis of the claim. In the case of a payment or performance bond please identify the project to which the bond pertains.



BERKLEY SURETY GROUP



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD

November 5, 2007

William Helmer
27 Route 210
Stony Point, NY 10980

SUBJECT: P.B. #06-29 HELMER SUBDIVISION

Dear Mr. Helmer:

Please find attached printouts of fees due for subject project.

Please submit payments in separate checks, payable to the Town of New Windsor, as follows:

| | | |
|--|----|----------|
| Check #1 - Approval Fee..... | \$ | 360.00 |
| Check #2 - Amount over escrow posted..... | \$ | 4,544.90 |
| Check #3 - 4% of Cost Est. (\$163,354.) Inspect fee..... | \$ | 6,534.16 |

Upon receipt of these checks, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason
Myra L. Mason, Secretary To The
NEW WINDSOR PLANNING BOARD

MLM

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/05/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 6-29

NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064
APPLICANT: WILLIAM HELMER

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|------------|-------------------|--------|-----------|-----------|-----------|
| 10/23/2006 | REC. CK. #4617 | PAID | | 500.00 | |
| 11/08/2006 | P.B. MINUTES | CHG | 42.00 | | |
| 11/08/2006 | CORDISCO- FEES | CHG | 892.50 | | |
| 12/29/2006 | LEGAL NOTICE | CHG | 11.50 | | |
| 01/10/2007 | P.B. MINUTES | CHG | 91.00 | | |
| 05/23/2007 | P.B. MINUTES | CHG | 91.00 | | |
| 06/13/2007 | P.B. MINUTES | CHG | 161.00 | | |
| 11/05/2007 | P.B. ENGINEER FEE | CHG | 3755.90 | | |
| | | TOTAL: | 5044.90 | 500.00 | 4544.90 |

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/05/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 6-29
NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064
APPLICANT: WILLIAM HELMER

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|------------|-------------------|--------|-----------|-----------|-----------|
| 11/05/2007 | SUB. APPROVAL FEE | CHG | 360.00 | | |
| | | TOTAL: | 360.00 | 0.00 | 360.00 |

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/05/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 6-29
NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064
APPLICANT: WILLIAM HELMER

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|------------|-------------------------|--------|-----------|-----------|-----------|
| 11/05/2007 | 4% OF 163,354. INSP FEE | CHG | 6534.16 | | |
| | | TOTAL: | 6534.16 | 0.00 | 6534.16 |

**RESOLUTION ADOPTING A NEGATIVE DECLARATION
UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

*Gateway Industrial Park
PB # 06-29
(S-B-L: 4-3-17.4)*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a preliminary subdivision plat by HZ Development (the "applicant") for a project described as the "Gateway Medical Plaza";

WHEREAS, the subject site consists of 15.6 acres of land, located on the south side of Route 300, opposite Route 207 and comprised of one tax map parcel in the Town of New Windsor, and designated on the tax map as Section 4, Block 3, and Lot 17.4; and

WHEREAS, the action involves a request for two (2) lot subdivision approval from the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for preliminary subdivision plat approval was held on January 10, 2007, which was closed on that date, at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on June 13, 2007 the Planning Board waived the discretionary public hearing on the proposed final plat; and

WHEREAS, the application and related materials were referred to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on January 17, 2007 recommending approval pending consultation with NYSDOT ; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of this preliminary subdivision plat.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for a coordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Henry Vanleeuwen, seconded by Member Howard Brown, the foregoing resolution was adopted as follows:

| | | | | |
|--------------------------|------------|-----|---------|---------------|
| Member, Daniel Gallagher | Aye | Nay | Abstain | <u>Absent</u> |
| Member, Howard Brown | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Neil Schlesinger | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Henry Vanleeuwen | <u>Aye</u> | Nay | Abstain | Absent |
| Chairman, Genaro Argenio | <u>Aye</u> | Nay | Abstain | Absent |

Alternate, Henry Schieble

Aye

Nay

Abstain

Absent

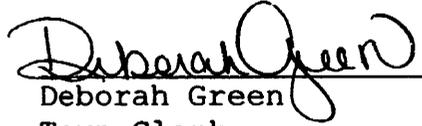
Dated: _____, 2007
New Windsor, New York



Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 14th day
of ~~June~~, 2007.

August



Deborah Green
Town Clerk

Project Name: Gateway Medical Plaza
Project No.: 3345

Municipality: Town of New Windsor
Date: 8-8-07

PUBLIC IMPROVEMENT

UNIT PRICES

(Updated August 2007)

| <u>Description</u> | <u>Unit</u> | <u>Unit Cost</u> | <u>Qty</u> | <u>Total Cost</u> |
|---|-------------|------------------|------------|-------------------|
| <u>Roadway and Parking Lot</u> | | | | |
| Clear and Grade ROW | SF | \$ 0.80 | 25700 | \$ 20,560.00 |
| Cut and Chip Trees | AC | \$ 6,500.00 | | \$ - |
| Stump removal and disposal | AC | \$ 4,500.00 | | \$ - |
| Erosion Control | AC | \$ 3,200.00 | 0.59 | \$ 1,888.00 |
| Roadway Subbase | CY | \$ 42.00 | | \$ - |
| Roadway Subbase (8" Course) | SY | \$ 9.50 | | \$ - |
| Roadway Subbase (12" Course) | SY | \$ 14.00 | 1672 | \$ 23,408.00 |
| Roadway Subbase (15" Course) | SY | \$ 18.00 | | \$ - |
| Asphalt Pavement | TN | \$ 108.00 | | \$ - |
| Asphalt Pavement (1.5" top) | SY | \$ 9.00 | | \$ - |
| Asphalt Pavement (2" top) | SY | \$ 12.00 | 1672 | \$ 20,064.00 |
| Asphalt Pavement (3" course) | SY | \$ 18.00 | | \$ - |
| Asphalt Pavement (3.5" course) | SY | \$ 20.00 | | \$ - |
| Asphalt Pavement (4" course) | SY | \$ 22.00 | 1672 | \$ 36,784.00 |
| Asphalt Pavement (5" course) | SY | \$ 24.00 | | \$ - |
| Tack Coat | SY | \$ 0.60 | | \$ - |
| Double Surface Treatment | SY | \$ 7.50 | | \$ - |
| Roadway ROW Topsoil (6") & Seeding | SY | \$ 13.00 | 1185 | \$ 15,405.00 |
| Concrete Monuments | EA | \$ 145.00 | | \$ - |
| Roadway As-Builts (50' Wide) | LF | \$ 1.10 | | \$ - |
| Street Signs (Traffic Control) | EA | \$ 225.00 | | \$ - |
| Street ID | EA | \$ 250.00 | | \$ - |
| Concrete Curbing | LF | \$ 30.00 | 860 | \$ 25,800.00 |
| Concrete Sidewalk | SY | \$ 77.00 | | \$ - |
| Concrete Sidewalk (4' Wide) | LF | \$ 34.00 | | \$ - |
| Concrete Sidewalk (5' Wide) | LF | \$ 43.00 | | \$ - |
| Street Trees (2.5" Cal; w/ frame and grate) | EA | \$ 1,100.00 | | \$ - |
| Street Trees (2.5" Cal) | EA | \$ 650.00 | | \$ - |
| Street Lights (std. luminair, u/g feed) | EA | \$ 7,500.00 | | \$ - |

| | | | | |
|---|----|-------------|---------|---|
| Guide Rail (W-Beam) | LF | \$ 45.00 | \$ | - |
| Guide Rail (Box Beam) | LF | \$ 70.00 | \$ | - |
| End Section (W-Beam) | EA | \$ 900.00 | \$ | - |
| End Section (Box Beam, Type 1, 9' taper) | EA | \$ 600.00 | \$ | - |
| End Section (Box Beam, Type 2, 18' taper) | EA | \$ 1,200.00 | \$ | - |
| Modular Block Retaining Wall (upto 6' High) | SF | \$ 33.00 | \$ | - |
| Modular Block Retaining Wall (over 6' High) | SF | \$ 38.00 | \$ | - |
| Concrete Retaining Wall (upto 6' High) | CY | \$ 800.00 | pending | |
| Concrete Retaining Wall (over 6' High) | CY | | pending | |

Drainage

| | | | | |
|---|----|-------------|--------|-----------|
| Catch Basin | EA | \$ 3,500.00 | 1 \$ | 3,500.00 |
| Stormwater Manhole | EA | \$ 3,600.00 | \$ | - |
| Connection to Existing Catch Basin | EA | \$ 1,000.00 | \$ | - |
| Stormwater Pipe (CMP - 15" coated) | LF | \$ 65.00 | \$ | - |
| Stormwater Pipe (CMP - 18" coated) | LF | \$ 74.00 | \$ | - |
| Stormwater Pipe (CMP - 24" coated) | LF | \$ 90.00 | \$ | - |
| Stormwater Pipe (CMP - 30" coated) | LF | \$ 127.00 | \$ | - |
| Stormwater Pipe (CMP - 36" coated) | LF | \$ 150.00 | \$ | - |
| Stormwater Pipe (CMP - 48" coated) | LF | \$ 190.00 | \$ | - |
| End Section (CMP - coated) | EA | \$ 600.00 | \$ | - |
| Stormwater Pipe (HDPE - 15") | LF | \$ 55.00 | 279 \$ | 15,345.00 |
| Stormwater Pipe (HDPE - 18") | LF | \$ 68.00 | \$ | - |
| Stormwater Pipe (HDPE - 24") | LF | \$ 75.00 | \$ | - |
| Stormwater Pipe (HDPE - 30") | LF | \$ 90.00 | \$ | - |
| Stormwater Pipe (HDPE - 36") | LF | \$ 105.00 | \$ | - |
| Stormwater Pipe (HDPE - 48") | LF | \$ 140.00 | \$ | - |
| End Section (HDPE) | EA | \$ 600.00 | 1 \$ | 600.00 |
| Stormwater Pipe (RCP - 15") | LF | \$ 60.00 | \$ | - |
| Stormwater Pipe (RCP - 18") | LF | \$ 68.00 | \$ | - |
| Stormwater Pipe (RCP - 24") | LF | \$ 75.00 | \$ | - |
| Stormwater Pipe (RCP - 30") | LF | \$ 120.00 | \$ | - |
| Stormwater Pipe (RCP - 36") | LF | \$ 150.00 | \$ | - |
| Stormwater Pipe (RCP - 48") | LF | \$ 215.00 | \$ | - |
| End Section (RCP) | EA | \$ 750.00 | \$ | - |
| Concrete Headwall | EA | \$ 6,100.00 | \$ | - |
| Rip Rap Drainage Channel | LF | \$ 65.00 | \$ | - |
| Non-lined Drainage Channel | LF | \$ 12.00 | \$ | - |
| Preforated Pipe/Stone Underdrain | LF | \$ 26.00 | \$ | - |
| Concrete Box Culvert (6'x4') w/wingwalls | LF | \$ 2,300.00 | \$ | - |
| Concrete Box Culvert (3'x3'), w/wingwalls | LF | \$ 1,800.00 | \$ | - |

| | | | | |
|------------------------------|----|--------------|-----------|-------------------|
| [- 8") | LF | \$ 75.00 | \$ | - |
|) | EA | \$ 1,500.00 | \$ | - |
| e and Valve (8") | EA | \$ 4,500.00 | \$ | - |
| [- 12") | LF | \$ 85.00 | \$ | - |
|) | EA | \$ 2,600.00 | \$ | - |
| e and Valve (12") | EA | \$ 5,600.00 | \$ | - |
| bly | EA | \$ 3,300.00 | \$ | - |
| (w/out licensed plumber) | EA | \$ 1,400.00 | \$ | - |
| e & Vault | EA | \$ 5,000.00 | \$ | - |
| ing Valve & Vault | EA | \$ 10,500.00 | \$ | - |
| iset (8") | EA | \$ 5,000.00 | \$ | - |
| Gate Valve installation (8") | EA | \$ 9,000.00 | \$ | - |
| e (8") | EA | \$ 11,000.00 | \$ | - |
| | | | | |
| VC - 8") | LF | \$ 68.00 | \$ | - |
| VC - 12") | LF | \$ 84.00 | \$ | - |
| es | EA | \$ 4,000.00 | \$ | - |
| w manholes | EA | \$ 6,000.00 | \$ | - |
| (w/out licensed plumber) | EA | \$ 1,300.00 | \$ | - |
| Total: | | | \$ | 163,354.00 |

4% \$ 6,534.16

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 6- 29

FOR ALL WORK ON FILE:

| TASK-NO | REC | DATE | TRAN | EMPL | ACT DESCRIPTION | RATE | HRS. | TIME | EXP. | BILLED | BALANCE |
|-------------|--------|----------|------|------|-----------------|------|------|---------|------|----------|---------|
| 6-29 | 382292 | 10/25/07 | | | BILL 07-2841 | | | | | -333.20 | |
| | | | | | | | | | | -333.20 | |
| TASK TOTAL | | | | | | | | 3696.40 | 0.00 | -3613.10 | 83.30 |
| GRAND TOTAL | | | | | | | | 3696.40 | 0.00 | -3613.10 | 83.30 |

11-1-07
 Cleared
 @
 TH

59.10
 1/2
 \$ 3755.90

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 6- 29

FOR ALL WORK ON FILE:

| TASK-NO | REC | --DATE-- | TRAN | EMPL | ACT DESCRIPTION | RATE | HRS. | TIME | -----DOLLARS----- | | |
|---------|--------|----------|------|------|---------------------------|--------|---------|---------|-------------------|----------------|----------|
| | | | | | | | | | EXP. | BILLED BALANCE | |
| 6-29 | 339247 | 05/19/07 | TIME | MJE | MR HELMER SUB | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 339603 | 05/20/07 | TIME | JRS | MR GATEWAY MED SWPPP RV | 119.00 | 0.50 | 59.50 | | | |
| 6-29 | 340445 | 05/21/07 | TIME | MJE | MC SWPPP W/JRS | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 340449 | 05/21/07 | TIME | MJE | MR HELMER SUB | 119.00 | 0.20 | 23.80 | | | |
| 6-29 | 340451 | 05/21/07 | TIME | MJE | MC HELMER:ECBC DR | 119.00 | 0.20 | 23.80 | | | |
| 6-29 | 341116 | 05/21/07 | TIME | JRS | MR GATEWAY MED SWPPP RV | 119.00 | 2.00 | 238.00 | | | |
| 6-29 | 340454 | 05/22/07 | TIME | MJE | MC HELMER:APP ISSUES | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 340455 | 05/22/07 | TIME | MJE | MC GATEWAY OCDP/TRAFFIC | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 340459 | 05/22/07 | TIME | MJE | MC KVV APP/COMMENTS | 119.00 | 0.20 | 23.80 | | | |
| 6-29 | 340442 | 05/23/07 | TIME | MJE | MM GATEWAY-HELMER-REG | 119.00 | 0.60 | 71.40 | | | |
| 6-29 | 343317 | 06/04/07 | TIME | MJE | MC HELMER GATEWAY/RV | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 343336 | 06/07/07 | TIME | MJE | MC HELMER: ISSUES | 119.00 | 0.20 | 23.80 | | | |
| 6-29 | 343337 | 06/07/07 | TIME | MJE | MC PREP HELMER MFR | 119.00 | 0.60 | 71.40 | | | |
| 6-29 | 343338 | 06/07/07 | TIME | MJE | MC HELMER W/GA | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 342900 | 06/08/07 | TIME | JRS | MR GATEWAY MED SWPPP | 119.00 | 0.50 | 59.50 | | | |
| 6-29 | 342904 | 06/09/07 | TIME | JRS | MR GATEWAY MED SWPPP | 119.00 | 1.00 | 119.00 | | | |
| 6-29 | 344143 | 06/12/07 | TIME | JRS | MR GATEWAY MED SWPPP | 119.00 | 1.00 | 119.00 | | | |
| 6-29 | 344463 | 06/12/07 | TIME | MJE | MC HELMER: SUB | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 344465 | 06/12/07 | TIME | MJE | MC GATEWAY SUB | 119.00 | 0.80 | 95.20 | | | |
| 6-29 | 344470 | 06/12/07 | TIME | MJE | MC DC RVW HELMER APPL | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 344471 | 06/12/07 | TIME | MJE | MC GA RVW HELMER ISSUES | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 344478 | 06/13/07 | TIME | MJE | MM GATEWAY-REG MTG | 119.00 | 0.80 | 95.20 | | | |
| 6-29 | 344826 | 06/18/07 | TIME | JRS | MR GATEWAY MED SWPPP | 119.00 | 2.00 | 238.00 | | | |
| 6-29 | 345285 | 06/20/07 | TIME | MJE | MR HZ APPL RESO/EMC DC | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 345288 | 06/21/07 | TIME | MJE | MR HZ APPL RESO/EMC DC | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 347123 | 07/02/07 | TIME | MJE | MC MM: COST EST | 119.00 | 0.20 | 23.80 | | | |
| | | | | | | | | 2070.60 | | | |
| 6-29 | 347160 | 07/06/07 | | | BILL 07-1799 | | | | | -2046.80 | |
| | | | | | | | | | | | -2046.80 |
| 6-29 | 380043 | | | | PD/CR 07-1799 PD 07/25/07 | | 2046.80 | | | | |
| 6-29 | 352927 | 08/07/07 | TIME | MJE | MC EMC ATZI: BOND | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 354213 | 08/14/07 | TIME | MJE | PM MTG@PS OFF: GATEWAY | 119.00 | 0.20 | 23.80 | | | |
| 6-29 | 356064 | 08/29/07 | TIME | MJE | MC PRE-C/O RVW GATEWAY | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 356066 | 08/29/07 | TIME | MJE | MC HELMER: STATUS PIPES | 119.00 | 0.20 | 23.80 | | | |
| 6-29 | 356072 | 08/29/07 | TIME | MJE | MC RVW PIPE ISSUE/ME | 119.00 | 0.20 | 23.80 | | | |
| 6-29 | 356082 | 08/31/07 | TIME | MJE | MC PIPE REMOVAL ASAP | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 360381 | 09/28/07 | TIME | MJE | MC MM: HELMER | 119.00 | 0.30 | 35.70 | | | |
| | | | | | | | | 238.00 | | | |
| 6-29 | 359821 | 09/27/07 | | | BILL 07-2516 | | | | | -226.10 | |
| | | | | | | | | | | | -226.10 |
| 6-29 | 381046 | | | | PD/CR 07-2516 PD 10/11/07 | | 226.10 | | | | |
| 6-29 | 361482 | 10/03/07 | TIME | MJE | MC BOND REVIEW | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 361483 | 10/03/07 | TIME | MJE | MC NW TB: BOND REC | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 362890 | 10/08/07 | TIME | MJE | MC VERIFY COMPLT PIPE | 119.00 | 0.80 | 95.20 | | | |
| 6-29 | 362905 | 10/09/07 | TIME | MJE | MC HELMER SUB CLOSEOUT | 119.00 | 0.20 | 23.80 | | | |
| 6-29 | 362911 | 10/10/07 | TIME | MJE | MC HELMER RVW FILE/EMCS | 119.00 | 0.60 | 71.40 | | | |
| 6-29 | 381277 | 10/15/07 | TIME | MJE | MR RVW STATUS/EMC-MM | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 382718 | 10/22/07 | TIME | MJE | MC GATEWAY W/J. ATZL | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 382724 | 10/23/07 | TIME | MJE | MC HELMER APP RVW C/O | 119.00 | 0.40 | 47.60 | | | |
| | | | | | | | | 380.80 | | | |

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 6- 29

FOR ALL WORK ON FILE:

| TASK-NO | REC | DATE | TRAM | EMPL | ACT DESCRIPTION | RATE | HRS. | TIME | EXP. | BILLED | BALANCE |
|---------|--------|----------|------|------|---------------------------|--------|------|--------|------|--------|---------|
| 6-29 | 277983 | 01/04/06 | TIME | MJE | WS BE DVMT CIU | 115.00 | 0.40 | 46.00 | | | |
| 6-29 | 312770 | 11/06/06 | TIME | MJE | CR GATEWAY S/D | 115.00 | 0.80 | 92.00 | | | |
| 6-29 | 312773 | 11/08/06 | TIME | MJE | CR KVV W/CHAIRMAN | 115.00 | 0.20 | 23.00 | | | |
| 6-29 | 313642 | 11/14/06 | TIME | MJE | MC HELMER: SUB | 115.00 | 0.20 | 23.00 | | | |
| 6-29 | 313645 | 11/17/06 | TIME | MJE | MC HELMER DISC SUB | 115.00 | 0.30 | 34.50 | | | |
| 6-29 | 315130 | 11/28/06 | TIME | MJE | MC HELMER RDMY ISSUES | 115.00 | 0.30 | 34.50 | | | |
| 6-29 | 315133 | 11/30/06 | TIME | MJE | MC HELMER W/GA | 115.00 | 0.30 | 34.50 | | | |
| | | | | | | | | 287.50 | | | |
| 6-29 | 314444 | 11/21/06 | | | BILL 06-2933 | | | | | | -172.50 |
| | | | | | | | | | | | -172.50 |
| 6-29 | 377277 | | | | PD/CR 06-2933 PD 12/06/06 | | | 172.50 | | | |
| 6-29 | 315934 | 12/06/06 | TIME | MJE | WS GATEWAY S/D | 115.00 | 0.30 | 34.50 | | | |
| 6-29 | 317826 | 12/20/06 | TIME | MJE | MC P/U-KVV HELMER PLAN | 115.00 | 0.30 | 34.50 | | | |
| 6-29 | 317830 | 12/21/06 | TIME | MJE | MC HELMER W/MM | 115.00 | 0.20 | 23.00 | | | |
| 6-29 | 317832 | 12/21/06 | TIME | MJE | MC HELMER W/GA | 115.00 | 0.20 | 23.00 | | | |
| 6-29 | 318203 | 12/27/06 | TIME | MJE | FI WEMBLEY RD COMD/DESIGN | 115.00 | 0.60 | 69.00 | | | |
| | | | | | | | | 184.00 | | | |
| 6-29 | 317167 | 12/22/06 | | | BILL 06-3206 | | | | | | -149.50 |
| 6-29 | 321818 | 12/31/06 | | | BILL 07-441 1/30/07 | | | | | | -149.50 |
| | | | | | | | | | | | -299.00 |
| 6-29 | 377712 | | | | PD/CR 06-3206 PD 01/09/07 | | | 149.50 | | | |
| 6-29 | 378053 | | | | PD/CR 07-441 PD 02/15/07 | | | 149.50 | | | |
| 6-29 | 318854 | 01/04/07 | TIME | MJE | MC GATEWAY PH II ISSUES | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 318856 | 01/05/07 | TIME | MJE | MC HELMER PHASE II ISSU | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 318860 | 01/05/07 | TIME | MJE | AA OCDP REFERRAL | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 318862 | 01/05/07 | TIME | MJE | MR GATEWAY COMB S/D | 119.00 | 0.70 | 83.30 | | | |
| 6-29 | 319591 | 01/09/07 | TIME | MJE | MC GATEWAY SUB W/GA | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 319592 | 01/10/07 | TIME | MJE | MC GATEWAY SUB W/GA | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 319596 | 01/10/07 | TIME | MJE | MM HELMER SUB PB MTG | 119.00 | 0.70 | 83.30 | | | |
| | | | | | | | | 368.90 | | | |
| 6-29 | 324825 | 02/20/07 | | | BILL 07-584 | | | | | | -368.90 |
| | | | | | | | | | | | -368.90 |
| 6-29 | 378300 | | | | PD/CR 07-584 PD 03/07/07 | | | 368.90 | | | |
| 6-29 | 327882 | 03/05/07 | TIME | MJE | MC KVV PROJ & OCDP/GA | 119.00 | 0.30 | 35.70 | | | |
| 6-29 | 327885 | 03/06/07 | TIME | MJE | MC GATEWAY ADJ PROP OWNER | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 330941 | 03/21/07 | TIME | MJE | WS HELMER SUB | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 333076 | 04/04/07 | TIME | MJE | WS HELMER SUB M/S | 119.00 | 0.30 | 35.70 | | | |
| | | | | | | | | 166.60 | | | |
| 6-29 | 334918 | 04/24/07 | | | BILL 07-1120 | | | | | | -166.60 |
| | | | | | | | | | | | -166.60 |
| 6-29 | 378961 | | | | PD/CR 07-1120 PD 05/09/07 | | | 166.60 | | | |
| 6-29 | 339586 | 05/14/07 | TIME | JRS | MR GATEWAY MED SWPPP | 119.00 | 1.00 | 119.00 | | | |
| 6-29 | 339233 | 05/15/07 | TIME | MJE | MC SWPPP HELMER/MM&JRS | 119.00 | 0.40 | 47.60 | | | |
| 6-29 | 339589 | 05/15/07 | TIME | JRS | MR GATEWAY MED SWPPP RV | 119.00 | 1.00 | 119.00 | | | |
| 6-29 | 339246 | 05/18/07 | TIME | MJE | MR HELMER SUB | 119.00 | 0.40 | 47.60 | | | |

| Date | Entry # | Received From/Paid To Explanation | Cheq Rec# | Rpts | General Disbs | Fees | Bld Inv# | Trust Activity Acc | Rpts | Disbs | Balance |
|-------------|---------|--|--------------|--------|------------------|--------|-------------|-----------------------|------|-------|---------|
| 12132 | | TOWN OF NEW WINDSOR | | | | | | | | | |
| 6044912 | | GATEWAY MEDICAL PLAZA- SUBDIVISION (PB# 06-2 | | | | | | | | | |
| Jan 8/2007 | 45579 | Lawyer: DRC 0.20 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 06-29 | | | | 35.00 | 2618 | | | | |
| Jan 8/2007 | 45580 | Lawyer: DRC 0.20 Hrs X 175.00 REVIEW REVISED PLANS PB# 06-29 | | | | 35.00 | 2618 | | | | |
| Jan 10/2007 | 47712 | Lawyer: DRC 0.40 Hrs X 175.00 ATTEND PLANNING BOARD MEETING PB# 06-29 | | | | 70.00 | 2618 | | | | |
| Jan 10/2007 | 47713 | Lawyer: DRC 0.20 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 06-29 | | | | 35.00 | 2618 | | | | |
| Feb 13/2007 | 51828 | Billing on Invoice 2618 FEES 175.00 | | | 0.00 | | 2618 | | | | |
| Mar 2/2007 | 55836 | Town of New Windsor PMT - PAYMENT ON ACCOUNT | 025503 | 175.00 | | | | | | | |
| May 23/2007 | 71874 | Lawyer: DRC 0.20 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 06-29 | | | | 35.00 | 3836 | | | | |
| May 23/2007 | 71875 | Lawyer: DRC 0.40 Hrs X 175.00 ATTEND PLANNING BOARD MEETING PB# 06-29 | | | | 70.00 | 3836 | | | | |
| May 24/2007 | 71860 | Lawyer: DRC 0.20 Hrs X 175.00 TELEPHONE CONFERENCE W/ M BLYTHE PB# 06-29 | | | | 35.00 | 3836 | | | | |
| May 24/2007 | 71861 | Lawyer: DRC 0.10 Hrs X 175.00 TELEPHONE CONFERENCE W/ MYRA RE RESEARCH PB# 06-29 | | | | 17.50 | 3836 | | | | |
| Jun 5/2007 | 74482 | Lawyer: DRC 0.50 Hrs X 175.00 RESEARCH HISTORY OF PRIOR APPROVALS AND VOTES RE SUBDIVISION PB# 06-29 | | | | 87.50 | 4140 | | | | |
| Jun 12/2007 | 75374 | Billing on Invoice 3836 FEES 157.50 | | | 0.00 | | 3836 | | | | |
| Jun 13/2007 | 75839 | Lawyer: DRC 0.10 Hrs X 175.00 TELEPHONE CONFERENCE W/ M BLYTHE PB# 06-29 | | | | 17.50 | 4140 | | | | |
| Jun 13/2007 | 75840 | Lawyer: DRC 0.10 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 06-29 | | | | 17.50 | 4140 | | | | |
| Jun 13/2007 | 75841 | Lawyer: DRC 0.20 Hrs X 175.00 REVIEW REVISED PLANS PB# 06-29 | | | | 35.00 | 4140 | | | | |
| Jun 13/2007 | 76118 | Lawyer: DRC 0.60 Hrs X 175.00 ATTEND PLANNING BOARD MEETING PB# 06-29 | | | | 105.00 | 4140 | | | | |
| Jun 18/2007 | 77294 | Lawyer: DRC 1.00 Hrs X 175.00 AGGREGATE TIME SPENT PREPARING RESOLUTIONS ADOPTING THE NEGATIVE DECLARATION, GRANTING PRELIMINARY APPROVAL AND GRANTING FINAL APPROVAL | | | | 175.00 | 4140 | | | | |
| Jun 19/2007 | 77340 | Lawyer: DRC 0.50 Hrs X 175.00 PREPARE DRAFT NEGATIVE DECLARATION PB# 06-29 | | | | 87.50 | 4140 | | | | |
| Jun 21/2007 | 77506 | Lawyer: DRC 0.20 Hrs X 175.00 AGGREGATE TIME SPENT FINALIZING AND DISTRIBUTING THE APPROVAL RESOLUTIONS PB# 06-29 | | | | 35.00 | 4140 | | | | |
| Jun 25/2007 | 78639 | Town of New Windsor PMT - PAYMENT ON ACCOUNT | 010452 | 157.50 | | | | | | | |
| Jul 13/2007 | 81232 | Billing on Invoice 4140 FEES 560.00 | | | 0.00 | | 4140 | | | | |
| Jul 27/2007 | 84255 | TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT | 1130822 | 560.00 | | | | | | | |
| Oct 10/2007 | 98946 | Lawyer: DRC 0.20 Hrs X 175.00 REVIEW PUBLIC IMPROVEMENT BOND PB# 06-29 | | | | 35.00 | | | | | |

| TOTALS PERIOD | CHE | UNBILLED + RECOV | + FEES | = TOTAL | DISBS | BILLED + FEES | + TAX | - RECEIPTS | BALANCES = A/R | TRUST |
|---------------|------|------------------|--------|---------|-------|---------------|-------|------------|----------------|-------|
| | 0.00 | 0.00 | 35.00 | 35.00 | 0.00 | 892.50 | 0.00 | 892.50 | 0.00 | 0.00 |

REPORT SELECTIONS - Client Ledger

Layout Template: Default
 Requested by: Rose Thoma
 Finished: Friday, November 02, 2007 at 12:07:07 PM
 Ver: 8.20c
 Matters: 6044912
 Clients: All
 Major Clients: All
 Client Intro Lawyer: All
 Matter Intro Lawyer: All
 Responsible Lawyer: All
 Assigned Lawyer: All
 Type of Law: All
 Select From: Active, Inactive Matters
 Matters Sort by: Default
 New Page for Each Lawyer: No

GATEWAY_MEDICAL_PLAZA_SUBDIVISION_(WILLIAM_HELMER)_

(06-29)

Mr. William Helmer appeared before the board for this proposal.

MR. ARGENIO: This application proposes subdivision of 15.6 acre parcel into two lots. The plan was previously reviewed at the 8 November, 2006 planning board, 10 January, 2007 planning board meeting. Is there anyone here to represent this?

Mr. William Helmer appeared before the board for this proposal.

MR. ARGENIO: Go ahead, Mr. Helmer.

MR. HELMER: We have submitted again per comments from the planning board and from Mark some revisions to the drawing for simple 2 lot subdivision.

MR. ARGENIO: Applicant has submitted his storm water prevention plan. The bulk table has been corrected as requested according to Mark Edsall. The road construction detail has been revised and now does not conform to town codes. How does that work?

MR. EDSALL: It didn't get fixed correctly.

MR. VAN LEEUWEN: Never was.

MR. EDSALL: Wasn't right last time, we can I'm sure straighten it out.

MR. VAN LEEUWEN: I think you can go back in the records and check that the board made a vote that there be no further subdivision until these roads are put in place and done correctly.

MR. EDSALL: This is referring just to the note.

MR. VAN LEEUWEN: Nothing's been done.

MR. HELMER: Oh, it has been done, sir.

MR. VAN LEEUWEN: You can't prove it by me. I was in there yesterday, nothing done down there. Those roads aren't up to town roads, you know that and I know that.

MR. HELMER: They're not ready for dedication and not up to town specs but we corrected all the problems with the road.

MR. VAN LEEUWEN: Not the way I put roads in.

MR. ARGENIO: I'd like to hear from Mark. Can you share some thoughts with us relative to the comment that Mr. Van Leeuwen just made?

MR. EDSALL: Are we speaking now about the Wembly Road versus Executive Drive?

MR. VAN LEEUWEN: Both of them, we've had trouble with this subdivision from the day it went in, okay, nothing has ever been done as the board has requested. I've been here a long time, most of you know that, okay, nothing has ever been done and there's a vote and there's a, that the board voted unanimously on no further subdivision until the roads are fixed and I stand by that, I will not vote on it.

MR. HELMER: I'd like to comment if I could.

MR. VAN LEEUWEN: Go ahead.

MR. ARGENIO: Go ahead.

MR. HELMER: An agreement was made between the town and I several years ago that Executive Drive which the town completely removed and put in a new sewer line 36 inch

line I think it is or 30 about eight, nine years ago when it came from the airport down through our property. The agreement was that there would be no charges on our part, they would dig the road up, replace it and it would be dedicated and the sewer contractor as I understand it got into a lawsuit with the town and never completed the work and I don't know the results of that, I've met with the town attorney and he was trying to look in the records but he acknowledges that the road was completely removed by the sewer contractor and if there's anything wrong with the road, he was supposed to repair it.

MR. ARGENIO: Mark?

MR. EDSALL: There's definitely a difference between Wembly Road and Executive and Mr. Helmer's absolutely correct that sewer district 20 for the town which was the interceptor line 30 inch line did run down Executive Drive and there was a lot of reconstruction done and I believe that the road cross-section in Executive Drive is substantially different than Wembly and one of the things that--

MR. ARGENIO: Wait a second, the existing road cross-section prior to construction?

MR. EDSALL: Right now as it stands I believe the pavement thickness and the construction of Executive is in fact a heavier construction than what's on Wembly, mainly because just as was indicated it was a town construction project and the restoration work was done with newer standards than were in place when Wembly was built.

MR. ARGENIO: So what you're saying is that when Wembly was built it was constructed according to a standard which was a lesser standard than we have in existence in this town today?

MR. EDSALL: That's true and I wouldn't sit here telling you that I believe the entire road was built in conformance with even that standard.

MR. HELMER: No, the Highway Department inspected that road, made us replace a piece of the base that's never had a top put on it which we have all agreed upon because it's not ready for dedication but it was put in and inspected by the Town Highway Department.

MR. VAN LEEUWEN: At the time that happened Skip Fayo was the Highway Superintendent and he turned it down.

MR. HELMER: No, he turned it down, we put up a bond and we come in and finished it to his specifications.

MR. ARGENIO: Was it finished?

MR. VAN LEEUWEN: No way.

MR. HELMER: Those were the days when he didn't want Item 4 as a base course, he wanted rip-rap and heavy shale, we removed the Item 4 and put in a foot of shale and he was happy with that.

MR. ARGENIO: You're talking about Wembly Road?

MR. HELMER: Wembly Road.

MR. VAN LEEUWEN: We should all take a ride down and check it out, guys, that will tell the story right there.

MR. HELMER: We spent the last fall some 50, \$60,000 repairing it and it's not, it does not have a top on it but that's not the subject of this application.

MR. ARGENIO: That's right, there's two things here and I'm going to look to Dominic.

MR. VAN LEEUWEN: It's one piece of property.

MR. ARGENIO: I'm going to look to Dominic here a little bit on this and Mark, I know Dominic doesn't have the history, Mark certainly does. I also don't have the history here with this project. What about some statement, vote or otherwise that was made prior tonight many, many years ago that says no further subdivision of these lands will be allowed until the road is fixed? What about that?

MR. CORDISCO: Well, it's hard to comment on as you say without knowing the history and I would want to go back and take a look at in what context was that statement made and if it was a condition.

MR. VAN LEEUWEN: I can tell you approximately when, approximately ten years ago, okay, but it's in the files, that I do know.

MR. HELMER: Since that time we spent over--

MR. ARGENIO: So much has happened.

MR. HELMER: --over \$150,000 on a new drainage system which Greg Shaw designed and we installed that was inspected and approved by the town and this last fall we went in again and did another on the road but I admit the top course is not on the road but the road meets the specifications at the time we got the original subdivision plan.

MR. ARGENIO: You know what, I'm not going to haggle about that because I don't have the ability to haggle on that. I'm going to tell you how I feel and I'm only one member of this board, I'm only one member and I have only one vote and but I'm going to express my opinion and then I'm going to poll the other members, I certainly can understand what Mr. Van Leeuwen is saying, I've been up there as recently as three weeks

ago or a month ago I was at the Ditch Witch store down in the back and Wembly Road is rough, that was ten years ago, so many things have happened since then, so much wear and tear has been imposed upon that road and our specifications and standards have changed many times since then as our administrations have changed. So in my opinion I believe we should review this application on its merits and move forward with it, whatever the case may be, but I also think that we should investigate some of the things that Mr. Van Leeuwen has brought to light here tonight so we can have a good understanding as we move forward because there certainly was a lot more property down there on Wembly Road. Neil, Howard, somebody have an opinion?

MR. SCHLESINGER: I believe that this applicant is before us not too long ago, is that correct? And there was some conversation about the roads and I think that maybe that it should have been addressed so that we could avoid that part of the discussion and go on from there and I think that, you know, I think you should put the horse before the wagon.

MR. HELMER: In that case, I met with the town, I made an appointment, met with the town attorney, we went over everything.

MR. SCHLESINGER: Well we're up in the air, we don't know.

MR. VAN LEEUWEN: I can tell you one thing, just go down, take a look, that will give you all the answers you want to see, you'll see with your own eyes.

MR. BROWN: When was the vote on the no subdivision until the roads are fixed?

MR. VAN LEEUWEN: About approximately ten years ago I was on the board then, I was not chairman, I think Jim Petro was the chairman in those days I think.

MR. SCHEIBLE: I was never on when Jimmy was here but I remember discussions beforehand, yeah.

MR. VAN LEEUWEN: Hank was around in those days, he remembers discussions, I don't know if he was here when the vote was taken.

MR. SCHEIBLE: I was on the board when the original site plan was brought in.

MR. BROWN: I mean a lot has happened in ten years like you said.

MR. VAN LEEUWEN: But the road was never put in right and I'll tell you something if Skippy was around he can tell you.

MR. ARGENIO: It's unfair to go down there today and look at the road and say it's this or it's that ten years later, that's unfair to anybody. But what is fair is if somebody didn't live up to their agreement well then that's a problem. I think the two are different issues in my mind I try to divorce the two. Danny, how do you feel about this?

MR. GALLAGHER: I really have to look into it and find out more about what Henry was saying about the road, I mean, I don't know.

MR. SCHLESINGER: I don't believe a visual is the answer, I think we just look at the files.

MR. VAN LEEUWEN: Pull the files, no problem.

MR. SCHLESINGER: That's why we have boards, that's why we have Myras and that's why we have everything else, look at the files and go from there.

MR. ARGENIO: Mark, give me your thoughts on this.

MR. EDSALL: I believe that Wembly Road needs a lot of work but my concern is that you are tonight processing an application on a completely separate road and what repairs or reconstruction may be needed on Wembly may not be pertinent to a lot off of Executive Drive. Obviously, it's all part of the same park so we can't forget about the other one, we can't forget about traffic improvements that need to be made because in the last 10, 12 years traffic has changed, some new initiatives that we should probably be looking at and I've talked to the chairman about those. So I wouldn't say ignore Wembly Road but I'd say when you do reach a conclusion it should be staged so that it's based on what road you're reviewing at the time.

MR. ARGENIO: Okay, Mr. Helmer, what I don't want to do is I don't want to be unfair and I don't want something spun against you but I can certainly hear in at least four of the other board members' opinions they want more information about this issue that Henry Van Leeuwen has brought up.

MR. HELMER: That's on Wembly Road.

MR. ARGENIO: That's on Wembly Road, right, and the relationship between Wembly Road and this project on Executive Drive they're looking for more information and for me to force this tonight which is unfair I think it's going to have a negative spin and that's unfair to you. So here's what I'm going to do. What I want to do is I want to table this application for tonight, Mr. Helmer, I want to table this application for tonight, I'll put you on the agenda for the next meeting, I'll see to it that that's done regardless of how full or how not full it is. And I want the other members to see themselves as to where we are and Dominic I want to know where we are legally, I don't want to know opinion and conjecture as it relates to something that was stated ten years ago, I want to know

legally because that's what drives this, if there's an action against the town it's going to be driven by the law, not opinion, conjecture or any other thing.

MR. CORDISCO: Understood.

MR. ARGENIO: So Mr. Helmer, I'm sorry for the inconvenience but I'll tell you that it's two weeks, our next meeting is in two weeks and I give you my word I'll see to it that everybody does what they need to do to get the ducks in a row and you'll be on the next agenda unless there's something here that I'm missing. Mark, is there anything else here that I'm missing with this application? I mean, I see a lot of innocuous things here.

MR. EDSALL: No, they do have some final minor corrections to make on the SWPPP and the drainage.

MR. ARGENIO: What about the next application, Mark?

MR. EDSALL: It's the SWPPP and the drainage are identical, they're interrelated cause it was one report, so other than that, I believe the next application is in a similar condition relative to--

MR. ARGENIO: The issues that are out there are relatively innocuous?

MR. EDSALL: Yes.

MR. ARGENIO: Dominic, I don't want any ambiguity with this, okay?

MR. CORDISCO: Understood.

MR. ARGENIO: Check it out get on it, figure it out whatever it is, get with Mark Edsall and let's find out what we're doing here.

MR. CORDISCO: Understood.

MR. ARGENIO: Mr. Helmer, I'm sorry for that but it is what it is.

MR. HELMER: What disturbs me is the fact that we were here about two months ago, asked me to do that and I did exactly what I was asked to do and went to the town attorney's office, went to everybody's office, tried to get it straightened away.

MR. ARGENIO: Just but for some dumb luck we might have been able to tie it down because Michael Blythe was sitting here for the first half of the meeting, if he was still here I would certainly look to him to get his opinion and but he's not here and I can't help you control that.

MR. HELMER: The story was I spent four hours in his office, they went through all their records, he couldn't find the record, they went and tried to find files in other town files or something, unfortunately, it's 20 years ago.

MR. ARGENIO: You heard what I said, you can't, you know what business I'm in, you know what I do and I made the statement you can't look at a road that's ten years old and expect it to perform the same as it did ten years ago. That's it. I want to get the information, Dominic, get on this, I want to know what's going on, Mr. Helmer, if you so desire I'll have you on the next agenda and we'll move forward.

MR. HELMER: Well we certainly desire because I'm holding up the applicant for better or worse.

MR. EDSALL: Three weeks because we have five Wednesdays this month.

MR. CORDISCO: It's June 13.

May 23, 2007

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MR. HELMER: Since we started we've got a million dollars worth of rateables and we're paying taxes, I want to get it straightened out just like you.

MR. VAN LEEUWEN: We all do.

MR. ARGENIO: Thank you for coming in.

DISCUSSION_-_GATEWAY

MR. OLSEN: Mr. Chairman, my name is John Olsen, construction manager for the Gateway Medical Plaza project, just wondering if it would be possible for you to review the project tonight anyway and make a review if there's any findings contingent upon resolving the subdivision question, we've been in front of the board a number of times, we've done a number of revisions. The last time we were in front of the board I think was three months ago and at that point we were under the impression that the question with the Wembly Road had been resolved, that was a separate issue and we went on and did our SWPPP.

MR. ARGENIO: Let me interrupt you. I think I can answer your question pretty effectively. If you were listening, I'm sure you heard me use the term innocuous comments, you know what innocuous means, don't you?

MR. OLSEN: Sure.

MR. ARGENIO: There's no reason for us to do that, I don't think the comments Mark had there was any heavy lifting so to speak.

MR. EDSALL: The only item that required the board confirming if it was acceptable was the enhanced landscaping if just that one element you could cause that's a discretionary item of the board your choice if you want to give them any decision tonight on the landscaping or notes.

MR. ARGENIO: Did you see it?

MR. EDSALL: I did but I wasn't quite sure as to what extent the board wanted it changed.

MR. ARGENIO: Mark, is that the first landscaping plan you've ever reviewed for this board?

May 23, 2007

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MR. EDSALL: Absolutely not.

MR. ARGENIO: What was your feeling relative to other plans that we've had?

MR. EDSALL: I agreed with you last time it needed work so as long as I'm happy with it I guess you'll be happy. At this point, I'll make sure I let you know any additional issues.

MR. OLSEN: Can I assume that once the Wembly Road question is resolved we'll be able to anticipate an approval?

MR. ARGENIO: No, I don't, you can't anticipate that. What I said with the comments there wasn't a lot of heavy lifting, no difficult comments and that's what I said so--

MR. OLSEN: Will we be on the agenda on the 14th also?

MR. ARGENIO: Whenever the next meeting is as long as Dominic can get this information together and Mark can get this information together I promise you and Mr. Helmer I'll put you on the agenda.

MR. OLSEN: Thank you.

MR. CORDISCO: It's June 13.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: WILLIAM HELMER MINOR SUBDIVISION
(GATEWAY INDUSTRIAL PARK)
PROJECT LOCATION: OFF NYS ROUTE 300
SECTION 4 – BLOCK 3 – LOT 17.4
PROJECT NUMBER: 06-29
DATE: 23 MAY 2007
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 15.6 +/-
ACRE PARCEL INTO TWO (2) LOTS. THE PLAN WAS PREVIOUSLY
REVIEWED AT THE 8 NOVEMBER 2006 AND 10 JANUARY 2007
PLANNING BOARD MEETINGS.

1. I have reviewed the new plans submitted for this meeting. Note the following:
 - The bulk table has been corrected as requested.
 - The road construction detail has been revised and now does not conform to the Town Code. Pavement should be 4" binder (two courses), 2" top, and 12" NYSDOT Item #4 subbase.
 - The catch basin detail has been revised, but it still does not conform to the Town Code. Please revise.
2. The applicant has submitted a Stormwater Pollution Prevention Plan (SWPPP) for the project, and has made an evaluation on the potential impact of the discharge to the Gateway Industrial Park. We have no objection to the information submitted, which addresses the stormwater from the site. Some minor corrections are required to the final SWPPP and plans (see attached comments).
3. In our previous comments, I noted that it appears that Executive Drive is its own tax parcel. The Board should be aware that I am currently working with the Town Supervisor and Mr. Helmer toward a dedication of this roadway, as well as addressing other drainage matters within the Gateway Industrial Park.

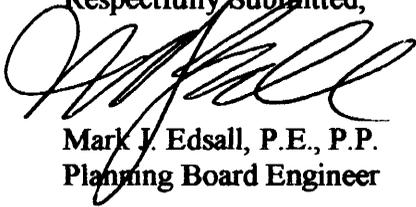
REGIONAL OFFICES

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

4. This project is within a 500-foot distance from NYS Route 207/300 and, as such, a referral was made to the Orange County Planning Department as per New York State General Municipal Law (GML 239). The OCDP responded on 2-21-07 with a conditional approval subject to the Town consulting with the NYSDOT.

5. The applicant should be directed to submit the Public Improvement Bond Estimate to the Engineer for the Planning Board for review, and subsequent approval of the Town Board.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW06-29-23May07.doc



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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3 October 2007

Town of New Windsor Town Board
555 Union Avenue
New Windsor, NY 12553

ATTENTION: GEORGE A. GREEN, TOWN SUPERVISOR

SUBJECT: **GATEWAY INDUSTRIAL PARK SUBDIVISION
RECOMMENDATION FOR PUBLIC IMPROVEMENT BOND AMOUNT
Planning Board Application 06-29**

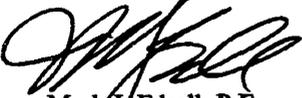
Dear Supervisor Green:

The subject subdivision received conditional approval from the Planning Board. The subdivision application includes an obligation for an extension of Executive Drive to a new cul-de-sac, with related roadway improvements.

It is our recommendation that the Town Board establish a performance security amount of \$163,354 for the public improvements associated with the application. A copy of the breakdown is attached hereto.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,



Mark J. Edsall, P.E.
Engineer for the Town

cc: Anthony Fayo, Town Highway Superintendent (via email)
Richard D. McGoe, P.E., Engineer for the Town (via email)
Michael Blythe, Esq., Attorney for the Town (via email)

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE - SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3391 •

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/08/2006

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 6-29

NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064

APPLICANT: WILLIAM HELMER

| DATE-SENT | AGENCY----- | DATE-RECD | RESPONSE----- |
|-----------------|-------------------|------------|---------------|
| ORIG 10/30/2006 | MUNICIPAL HIGHWAY | 11/08/2006 | APPROVED |
| ORIG 10/30/2006 | MUNICIPAL WATER | / / | |
| ORIG 10/30/2006 | MUNICIPAL SEWER | / / | |
| ORIG 10/30/2006 | MUNICIPAL FIRE | 11/07/2006 | APPROVED |
| ORIG 10/30/2006 | NYS DOT | / / | |



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/10/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 6-29
NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064
APPLICANT: WILLIAM HELMER

| --DATE-- | MEETING-PURPOSE----- | ACTION-TAKEN----- |
|------------|---|-------------------|
| 11/08/2006 | P.B. APPEARANCE . APPLICANT TO CORRECT PROBLEMS WITH EXECUTIVE DRIVE/WEMBLEY . ROAD - NEED CORRECTED PLANS PRIOR TO SENDING TO OCPD | LA: RETURN |
| 10/18/2006 | WORK SHOP | SUBMIT |

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/10/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 6-29

NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064

APPLICANT: WILLIAM HELMER

| | DATE-SENT | ACTION----- | DATE-RECD | RESPONSE----- |
|------|------------|--------------------------------|------------|---------------|
| ORIG | 10/30/2006 | EAF SUBMITTED | 10/23/2006 | WITH APPLIC |
| ORIG | 10/30/2006 | CIRCULATE TO INVOLVED AGENCIES | / / | |
| ORIG | 10/30/2006 | LEAD AGENCY DECLARED | 11/08/2006 | TOOK LA |
| ORIG | 10/30/2006 | DECLARATION (POS/NEG) | / / | |
| ORIG | 10/30/2006 | SCHEDULE PUBLIC HEARING | / / | |
| ORIG | 10/30/2006 | PUBLIC HEARING HELD | / / | |
| ORIG | 10/30/2006 | WAIVE PUBLIC HEARING | / / | |
| ORIG | 10/30/2006 | FINAL PUBLIC HEARING | / / | |
| ORIG | 10/30/2006 | PRELIMINARY APPROVAL | / / | |
| ORIG | 10/30/2006 | LEAD AGENCY LETTER SENT | / / | |



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
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TOWN OF NEW WINDSOR
PLANNING BOARD
SWPPP COMMENTS

PROJECT NAME: GATEWAY MEDICAL CENTER (HELMER SUB.)
PROJECT LOCATION: SECTION 4, BLOCK 3, LOT 17.4
P.B. PROJECT NO.: 06-29 & 06-30
APPLICANT'S REPRESENTATIVE: ZIMMERMAN ENGINEERING
PREPARATION DATE: 21 MAY 2007

1. The dry grass swale/detention pond design is an acceptable approach for providing stormwater quantity and quality control, however the storm water model submitted models the outlet structure for the dry grass swale as a 10-foot weir instead of a riser or horizontal orifice. The emergency overflow is used for the 100-year storm event as a result of the restricted flow through the outlet structure. Applicant should amend the stormwater model to reflect the outlet structure proposed.
2. The use of straw bales around a catch basin as shown on sheet 4 of 6 is not an allowable inlet control device. Applicant tot refer to New York State Standards and Specifications for Erosion Control by the New York State Department of Environmental Conservation (August 2005) for allowable practices for inlet control.
3. The SWPPP Report should include an Owner/Operator and Contractor Certifications.
4. The swale modification is acceptable as designed for the 10-year storm, however further development of the area may require additional improvements to the swale in the future.

Respectfully submitted,

**MCGOEY, HAUSER & EDSALL
CONSULTING ENGINEERS, P.C.**

John Szarowski, P.E.
Senior Engineer

REGIONAL OFFICES

- 111 Wheatfield Dr. – Suite One • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •



COUNTY OF ORANGE

DEPARTMENT OF PLANNING

EDWARD A. DIANA
COUNTY EXECUTIVE

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533
www.orangecountygov.com/planning

DAVID CHURCH, A.I.C.P.
COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING
239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by: Town of New Windsor
Planning Board

Reference/County ID No.: NWT02-07N
County Tax ID: S4 B3 L17.4

Applicant: William Helmer (HZ Development)

Proposed Action: Subdivision of 1 parcel in PI

Reason for Review: Within 500 ft of NYS Route 207/300

Date of Full Statement: January 17, 2007

Comments:

1. The applicant proposes to subdivide one 15.6 acre parcel, in a PI Planned Industrial Zoning District, into Lots 1 and 2 of 579,874sf and 99,172sf respectively. The parcel is equipped with an existing 60' foot wide utility easement and an existing permanent utility easement to the Town of New Windsor Sewer District #17. The site also contains a small cul-de-sac. The applicant has requested a site plan review for development proposed on Lot 2 of a medical and professional 1-story office building.
2. It is noted that the proposed subdivision and development of Lot 1 contains a temporary cul-de-sac. Considering this as well as the size of Lot 1 it can easily be assumed that more development of the parcel onto Lot 1 will ensue. A major issue with the location of this parcel is the two access points, one on Executive Drive and one on Wembly Road, both of which are in close proximity to an intersection. This impact on traffic flow and safety is exacerbated by the relative proximity of two major highways, I-87 and I-84, making this a high traffic volume location. Adding more cars with the proposed medical/professional office building as well as with any more future development on Lot 1 could cause serious congestion and safety traffic impacts.
3. The NYSDOT has been notified of this review. This Department strongly recommends that the NYSDOT be provided a copy of this request for subdivision approval.

P.B. # 06-29

cc: M.E., D.C. + J.A.

County Recommendation:

Approval subject to the following modifications and/or conditions: Consultation with NYSDOT

Date: February 21, 2007

Prepared by: Atticus Lanigan, Planner



David Church, AICP
Commissioner of Planning

"IMPORTANT NOTE: As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning."

P.B. # 06-29
cc: M.E., D.C., J.A.



REPORT OF FINAL LOCAL ACTION

To: Orange County Department of Planning
124 Main Street
Goshen, NY 10924

From: *Town of New Windsor - Planning Board*

Date:

Subject: GML 239 Referral ID# *NWTO2-07N*
Name of project: *Gateway Medical Plaza - Subdivision*

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

_____ Our local board **approved** this action on _____.

_____ Our local board **approved** this action **with modifications** on _____.
Briefly, the modifications consisted of:

_____ Our local board **disapproved** this action on _____.
Briefly, the reasons for disapproving this action were:

_____ The proposal was **withdrawn**.

Additional space for comments on actions:

P.B. #06-29
cc: M.E., DC, J.A.

January 10, 2007

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PUBLIC HEARINGS:

GATEWAY MEDICAL PLAZA (WILLIAM HELMER) SUBDIVISION
(06-29)

MR. ARGENIO: Public hearings, Gateway Medical Plaza, the Bill Helmer subdivision. This application proposes subdivision of 15.6 acre parcel into two lots. Plan was previously reviewed at the 8 November, 2006 planning board meetings. This application is before the board for a public hearing at this time.

Mr. William Helmer appeared before the board for this proposal.

MR. ARGENIO: Mr. Helmer, would you put your plan on that board there and what we'll do is I'd like you to give the planning Board a brief rundown on what you're doing and then we'll open it up to the public.

MR. HELMER: Basically, this is a 100,000 square foot subdivision of you mentioned 15 plus acres at the end of Executive Drive. You pass by the glass building and the ENA building and it's immediately across from the ENA building. And it's adjacent to below the Gateway building which now contains three different users. It's the, Executive Drive is already built, we propose to build, extend the road just in front of this property and with a cul-de-sac at the end and provide for construction of a medical office building on the site. I think it meets all the requirements.

MR. ARGENIO: There's a lot of notes on the plans, lot of notes, yeah, do you have Mark's comments?

MR. HELMER: I have and I think we have satisfied them.

MR. BABCOCK: Those are the ones he just gave you.

MR. ARGENIO: Building project is a separate, separate

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application and we'll review that after this. So what I am referring to is specifically relative to this project. Bulk tables should note that the street frontage--

MR. HELMER: Can I comment on the bulk table?

MR. ARGENIO: I'm not going to go through all of them.

MR. HELMER: The coverage would be on the site plan for the building we're subdividing the lot.

MR. EDSALL: It is needed on the site plan, the reason why we asked them to be on the subdivision plan is that as the zoning changes year to year or every five or eight years, your plan will have a record of what it was now so it's got to be a complete bulk table.

MR. HELMER: What the engineer said is if you approve the site plan for the medical building we'll put that on here before this is signed.

MR. EDSALL: No, the required numbers are what I'm looking for, Bill.

MR. HELMER: Required is 85 percent.

MR. EDSALL: Where does it say that on the plan? It doesn't.

MR. HELMER: It doesn't.

MR. EDSALL: That's why I'm asking for it.

MR. ARGENIO: I didn't want to get into the minutia and I brought it up just to give an idea of what we're looking for, it's in Mark's comments but I'm not going to go through all these comments one at a time because there's a finite amount of time here. Let me ask you a question, do you have Mark's comments there?

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MR. HELMER: Yes.

MR. ARGENIO: If you go to the second page item number 3 the next to last bullet.

MR. HELMER: Parking lot layout details.

MR. ARGENIO: No, I'll read it. The overall plan on sheet one indicates a lot 17.6 shown as now or formerly the Town of Windsor, Mark's comments says I'm unaware of parcels with town ownership with this project area. Can you show me where that is lot 17.6?

MR. HELMER: I still don't see it on the comments I have here.

MR. EDSALL: Subdivision, we're sorry, Bill, there's two sets of comments, one for the subdivision, one for the site plan.

MS. MASON: He's got it.

MR. HELMER: This is what you're referring to?

MR. ARGENIO: Yes.

MR. BABCOCK: The road, Bill.

MR. EDSALL: Is that 60 foot strip, is that a separate lot right now?

MR. HELMER: That's across from the glass office building when you go, come in where the signs are.

MR. EDSALL: 17.6 is the proposed road dedication?

MR. ZIMMERMAN: Yes.

MR. BABCOCK: But it's not owned by the Town of New

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Windsor.

MR. HELMER: No, we had an agreement with the Town of New Windsor and to take it in dedication once the sewer line was finally approved and accepted and that's been going on for about five years now I think or more.

MR. EDSALL: More than that.

MR. ARGENIO: Where is that agreement, Mark, is there something?

MR. EDSALL: There was probably discussions back when sewers were being installed through the area, I'm not--

MR. HELMER: This is when the new sewer, the 30 inch sewer was installed from Stewart Airport through our property and they came right down the center line of Executive Drive and the Town came to me and said we need to condemn the land for an easement and I said I'll give you the easement as long as the road is restored to your specifications and you take it in dedication. It seems that the contractor that was doing the sewer line became in litigation with the Town of New Windsor and therefore they have never notified me that everything's been resolved and I can dedicate the land, I think we have an agreement with Crotty, the former Town attorney on that and this has been going on now for a number of years.

MR. BABCOCK: But Bill see where it says Town of New Windsor out where the road's not even built yet, the road, move out to the right, see it go on out farther, see it right there, that says Town of New Windsor.

MR. HELMER: That's 4-3-17.6, that's simply an extension of the second drive which is not dedicated, that's correct.

MR. BABCOCK: It's not even built, it's not there.

MR. HELMER: That should be off there probably, that's right in the workshop we discussed whether the Town wanted to extend that road or not and they elected not to cause they didn't want trucks going out Wembly out that way, they wanted them to go out Wembly and not Executive Drive and they didn't want the cars to go down, you're right, to the Wembly Road.

MR. ARGENIO: So that lot does not exist.

MR. HELMER: That's correct, that lot is the lot that we're dedicating for Executive Drive that would just be an extension of it which now the Town does not want to do a, the lot on the tax map only goes to the cul-de-sac and we were originally going to plan to run it through, they decided no at this time don't.

MR. EDSALL: Perhaps Mr. Zimmerman can help us, are you telling us that right now is a separate lot on the tax maps?

MR. ZIMMERMAN: Yeah, parcel designated as 17.6 is as Bill had indicated and you had indicated it's the proposed extension of Executive Drive, it's shown on the tax map as that, it's 1.9 acres and probably at the time of subdivision there was an offer made but since the road wasn't built now it's never been dedicated.

MR. EDSALL: Does the existing Executive Drive, is that included in 17.6?

MR. ZIMMERMAN: No.

MR. EDSALL: So this 17.6 is a totally separate stub?

MR. ZIMMERMAN: Yes, I believe so.

MR. EDSALL: No, 17.6 is pointing to just Executive Drive, there's no continuation.

MR. HELMER: That's what I'm thinking.

MR. EDSALL: So this is incorrect. Mr. Chairman, the bottom line is that 17.6 is the current Executive Drive which is proposed for dedication, not only by the Town of New Windsor at this time what's shown here for the 60 foot L-shaped 17.6 doesn't exist on the tax maps, it's not owned by the Town of New Windsor, it's probably just an easement so the map's wrong and that's what I asked the question for cause I knew it wasn't right, I just didn't know what the right answer was. So that's got to be fixed.

MR. ARGENIO: What's your--

MR. HELMER: We'll just take the Town of New Windsor off.

MR. EDSALL: If it's an easements, it's got to be shown on the plan as an easement and who it's to the benefit of and 17.6 has to properly be referenced for the Executive Drive.

MR. CORDISCO: I think it's a little bit more than just taking the Town of Windsor off because he's showing it as a separate tax lot and it's not legal.

MR. HELMER: No, it ends at the cul-de-sac. You're right so we'd just show it to that and what I should do if you're the attorney involved with the Town now is get together with you and get this dedicated.

MR. CORDISCO: Sure and I'll leap tall buildings as well.

MR. HELMER: We have a letter from the Town of New Windsor saying if they can install the sewer through our property when they're done, we can dedicate the road and I don't know whether the litigation or the

contractor's still settled or not.

MR. ARGENIO: Is that your intent, Mr. Helmer, to finish the road to the Town specifications?

MR. HELMER: It is already, that's the agreement, we built it originally but they tore it up and completely rebuilt it when they put the sewer line in but there's been litigation, Mark probably knows better than I do.

MR. EDSALL: There's a lot of history with that contractor, Metric Industries, and they ended up where some of the people ended up being arrested by DEC, quite a history. Also Bill you need to have your surveyor, we now know 17.6 is a separate lot by readjusting the shape of the cul-de-sac you're actually doing a lot line change so he's got to pick up the difference between what's on the tax map matches what's on your proposed plan.

MR. ARGENIO: As long as it's done correctly, I'm not going to get hung up.

MR. EDSALL: That's not in my comments so I wanted to get that into the minutes.

MR. ARGENIO: If that's what it is, I don't want to get twisted up about that because that's not the meat of it, we have to make sure it's legally correct but it is your intent to bring that road to Town standards?

MR. HELMER: The Town was to rebuild it to their standards and dedicate it or take dedication, they have not done it and I have been waiting a number of years for this lawsuit and the Town to come to me and say okay, dedicate it.

MR. ARGENIO: The Town was going to rebuild.

MR. HELMER: They put a 30 inch sewer 12 foot deep

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right down the center of the road, they ripped up the whole thing, they did install a guardrail, they did a couple other things but I don't know the status of the Town and this contractor.

MR. ARGENIO: I'm not going to get too twisted up.

MR. CORDISCO: Yes, Mr. Blythe is here, you know, we're willing to meet with you and discuss it.

MR. BLYTHE: Call my office.

MR. ARGENIO: I don't want to sit here and debate this on the planning board level, that's where it's got to go.

MR. BLYTHE: Call in the morning to make an appointment to come on in.

MR. ARGENIO: So you'll do that then, get ahold of Michael Blythe and work with him on that.

MR. BLYTHE: Yes.

MR. OLSEN: John Olsen, I'm the construction manager on the project for Haig, the dedication of the road though I would think that that would be independent of the approval of the subdivision or can it be independent of that?

MR. ARGENIO: I don't know.

MR. EDSALL: It can be but the extension of the roadway has to be part of your subdivision, you have to extend the road to Town standards.

MR. ARGENIO: So you're not talking about the roadway extension, you're talking about the section of road that exists now?

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MR. OLSEN: Right, right, we're just concerned, we want to be able to move on with our project, not get mired down in the dedication.

MR. ARGENIO: Understood. The extension of the road is very germane to your project, very germane. I'm kind of trumping you guys, I don't mean to do that, I did have one other question though and the other question is I'll let it go to next time, I don't have anything else. I'd like to get it open to the public but if you have some questions you want to ask, I'm all ears. We'll look at it again after we close the public hearing. On the 27th day of December, 2006, ten addressed envelopes went out with the notice of public hearing pertinent to this case announcing this public hearing this evening for the Gateway Medical Center. If there's anybody here that would like to speak for or against this project, certainly raise your hand and be recognized and you'll have the opportunity to speak for or against. Yes, sir?

MR. WILLIAMS: I'm not speaking for or against it, I just have a question.

MR. ARGENIO: What's your name, sir?

MR. WILLIAMS: Kirk Williams, Riley Road. The last planning board meeting that I attended I seemed to remember Mr. Van Leeuwen making a comment that for about 20 years the Town would not allow anymore subdivisions in there to be done unless the existing roads were brought up to Town specifications to be dedicated.

MR. ARGENIO: If you check that and somebody correct me if I'm mistaken here, I think what Mr. Van Leeuwen was talking about was the loop on Wembly Road.

MR. EDSALL: You're correct.

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MR. ARGENIO: He was talking about the loop on Wembly Road and like yourself when he first started talking about it I thought he was talking about this as well but he's referring to the loop on Wembly Road which certainly is an issue in and amongst itself and if you look in those minutes you'll see I made a comment that I want to be careful if and in fairness to the applicant not to mix two different applications.

MR. WILLIAMS: I think it would be a good addition to the Town otherwise it's a good tax ratable.

MR. ARGENIO: Thank you. Good thought. Anybody else? No hands being shown--

MR. BRAUN: Leo Braun, New Windsor. In reference to the public hearing portion, I'd like to have it rescheduled again or not definitely closed totally until such a time as this gentleman's answer has been addressed.

MR. ARGENIO: With respect to what?

MR. BRAUN: The road situation about the easement and the extension because as far as I'm concerned, I don't think that anything can be proceeded until the road easement has been addressed for this gentleman here. Once that's done and the Town has a conclusion against the former contractor we can proceed on to an open hearing again whether he will allow to have Executive Drive the right-of-way to proceed I don't think I'm afraid that when we have to close the public hearing portion of it we will not have a reopening again for him to continue.

MR. ARGENIO: I don't think I quite understand.

MR. BRAUN: I'm basically saying this, I don't think we have addressed to the public very well the thing is still up in arms.

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MR. ARGENIO: It's still up in arms, let me interrupt you for one second, I'm not going to cut you off but I want to answer your question, it's not addressed, that's why Michael Blythe is here and that's why Dominic Cordisco is here, that's why they're going to get together with Mr. Helmer to address it and certainly that information is not secret, it's available at Town Hall.

MR. BRAUN: Then can we have another public hearing again to proceed from that point on.

MR. ARGENIO: No, I don't think that would be fair for the applicant, I'm sorry, I don't think that would be fair to the applicant. We don't do this with other applications and certainly if you have been to these meetings and I know you have cause I recognize your face, you know that for the most part, for the most part if somebody has something to say, they want to make a comment even though it's not a public hearing for the most part I will hear the comment for the most part. So I don't see the need to expose ourselves as a Town by leaving the public hearing open and treating Mr. Helmer any differently than we'd treat any other applicant. But as I said certainly in the future most of the time if somebody has something to say as long as it's not repetitive or counterproductive for the most part we'll hear what comment the person has to say. I'm not going to unless somebody disagrees with me on this board we're going to hear back from you, Dominic, relative to this, you're going to work with Mike on the right-of-way thing so it will be addressed here on this level, you certainly will be able to hear the way this thing shakes out.

MR. OLSEN: I think that the gentleman might be a little confused about the lawsuit situation. I believe that the lawsuit is between the Town and one of the Town's contractors, it has nothing to do with Mr.

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Helmer. So it's not as though the Town or Mr. Helmer did somebody wrong and the Town sued one of his contractors, it was a project that the Town undertook and their contractor didn't perform properly, they sued their own contractor. Mr. Helmer is an innocent party in that.

MR. EDSALL: That's long over.

MR. ARGENIO: Predates me.

MR. EDSALL: That's long over. Just a note for the record too, even if this road isn't dedicated, the Town does allow commercial subdivisions on commercial roadways that are not dedicated. So if for some reason this road never was dedicated, this project is still approveable.

MR. ARGENIO: Understood, like Wembly Road, for instance.

MR. EDSALL: Exactly.

MR. ARGENIO: Anything else? I'll accept a motion to close the public hearing.

MR. MINUTA: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing for the William Helmer minor subdivision Gateway Industrial Park. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE

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MR. SCHEIBLE AYE
MR. MINUTA AYE
MR. ARGENIO AYE

MR. ARGENIO: Let's look at this a little bit, guys, there's a lot as I said to you Mr. Helmer there's a lot of things you need to work through with your engineer here, a lot of comments about the plants and slopes and the slope of the cul-de-sac, Belgian block curb detail is not correct, the paving.

MR. EDSALL: Mr. Chairman, these are new comments because at the prior meeting they had not prepared the detailed plan for the road extension so this is their first opportunity to see the comments.

MR. ARGENIO: This project is within 500 foot of New York State Route 207 and 300 and as such a referral has been made to the Orange County Planning Department per New York State General Municipal Law. Myra, have we heard from the County?

MS. MASON: Not yet.

MR. ARGENIO: We're still waiting on that. Anybody have anything else here? We'll certainly see it again, we have to wait for County. Thank you.



RESULTS OF P.B. MEETING OF: January 10, 2007

PROJECT: Helmer Sub. P.B.# 06-29

LEAD AGENCY:

NEGATIVE DEC:

AUTHORIZE COORD. LETTER: Y ___ N ___

M) ___ S) ___ VOTE: A ___ N ___

TAKE LEAD AGENCY: Y ___ N ___

CARRIED: Y ___ N ___

M) ___ S) ___ VOTE: A ___ N ___

CARRIED: Y ___ N ___

PUBLIC HEARING: WAIVED: ___ CLOSED:

M) Mn S) Br VOTE: A 5 N 0 SCHEDULE P.H.: Y ___ N ___

SEND TO O.C. PLANNING: Y ___

SEND TO DEPT. OF TRANSPORTATION: Y ___

REFER TO Z.B.A.: M) ___ S) ___ VOTE: A ___ N ___

RETURN TO WORK SHOP: Y ___ N ___

APPROVAL:

M) - S) ___ VOTE: A ___ N ___ APPROVED: ___

NEED NEW PLANS: Y ___ N ___

CONDITIONS - NOTES:

| |
|--|
| <i>Complete Bulk tables - Mark's comments</i> |
| <i>Correct 17.6 Lot</i> |
| <i>Helmer - Blythe + Cordisco to meet regarding the roadway dedication</i> |
| <i>Kirk Williams - spoke re roadway + further subdivisions</i> |
| <i>Leo Braun - spoke re not closing the public hearing until</i> |
| <i>Road easement problems are answered!</i> |
| |
| |
| |
| |
| |
| |

January 10, 2007 Meeting

ORANGE COUNTY DEPARTMENT OF PLANNING

124 Main Street
Goshen, NY 10924-2124

APPLICATION FOR MANDATORY COUNTY REVIEW OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 06-29 (Please include this number on any correspondence)

1. Municipality Town of New Windsor Public Hearing Date: 1-10-07

City, Town or Village Board _____ Planning Board Zoning Board _____

2. Owner: Name: William Helmer (HZ Development)
Address: 27 Route 210, Stony Point, NY 10980

3. Applicant * Name: same
Address: _____

***If applicant is owner, leave blank**

4. Location of Site: Executive Drive, off NYS Route 207/300
(Street or highway, plus nearest intersection)

Tax Map Identification: Section: 4 Block: 3 Lot: 17.4

Present Zoning District: PI Size of Parcel: 15.6+/- Acres

5. Type of Review:

**Subdivision

Zone Change: From = _____ To: = _____

Zoning Amendment: To Section _____

**Subdivision: Number of Lots/Units Two Commercial Lots

***Site Plan: Use _____

Date: 1-5-07

Signature & Title: Mark J. Edsall, P.E.
Mark J. Edsall, P.E.,
Planning Board Engineer

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **JANUARY 10TH, 2007** at 7:30 P.M. on the approval of the proposed Subdivision for **WILLIAM HELMER PROPERTIES (06-29)**

Located at **OFF RT. 300** (Tax Map #Section **4**, Block **3**, Lot **17.4**) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: December 27, 2006

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

December 19, 2006

William Helmer
Executive Dr.
New Windsor, NY 12553

Re: 4-3-17.4 PB#: 06-29 (10)

Dear Mr. Helmer:

According to our records, the attached list of property owners are abutting and across any street of the above referenced property.

The charge for this service is \$25.00 minus your deposit of \$25.00, leaves you with a 0 balance due.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

4-1-11.2
DA ASSOCIATES LLC
PO BOX 7396
NEWBURGH, NY 12550

4-3-1.2
BUREAU OF FINACIAL ADM.
C/O COLIN CAMPBELL
5TH FLOOR, A.E.SMITH BLDG.
ALBANY, NY 12236

4-3-2.21
POUGHKEEPSIE PROP. LLC
297 MILL ST.
POUGHKEEPSIE, NY 12601

4-3-3, 4-3-4,4-3-5,6,7,4-3-17.3,18
HZ DEVELOPMENT PTNRS.
27 RTE. 210
STONY PT., NY 10980

4-3-8
WARREN SLOAN, JR.
PO BOX 4545
NEW WINDSOR, NY 12553

4-3-9.1
ST. ROBO REALTY GROUP INC.
563 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

4-3-10.12
SCENIC PROPERTIES, LLC
335 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

4-3-17.2
C.H.K.K. REALTY, LLC
PO BOX 4083
NEW WINDSOR, NY 12553

4-3-17.6
WILLIAM HELMER
27 ROUTE 210
STONY POINT, NY 10980

4-3-19.1
T. & M. LLC
38 JUDITH DR.
STORMVILLE, NY 12582

November 8, 2006

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REGULAR_ITEMS:

GATEWAY_MEDICAL_PLAZA_SUBDIVISION_(06-29)

MR. ARGENIO: Gateway Medical Plaza subdivision. Proposed 2 lot subdivision. This application proposes subdivision of 15.6 acre parcel into two lots. The plan was reviewed on a concept basis only. Somebody here to represent this?

MR. ZIMMERMAN: My name is Gerry Zimmerman and the owner and applicant asked that I represent them tonight in this application. And we do have the next item on the agenda is somewhat or is tied in with this application.

MR. ARGENIO: Just so everybody knows, the board members know, these are tied together, both of these applications, the first one is for the subdivision of the property and the second one is for the I believe the site plan. Is that right, Mr. Zimmerman?

MR. ZIMMERMAN: That's correct.

MR. ARGENIO: Go ahead, Mr. Zimmerman.

MR. ZIMMERMAN: So as you just indicated, the parcel to be subdivided into two lots consists of 13.7 acres defined pretty much all that's seen here, you have the copy of the subdivision plan lot number 1 is approximately 12 acres and lot number 2 shown on the plan is 100,000 square feet or 2.3 acres. And proposal is to continue Executive Drive and have it end in a cul-de-sac as shown on the plan at the present time and that would provide the necessary frontage for lot number 2 as well as access to lot number 1. Subdivision is being created for the purpose at this point of proposing a development of a medical building on lot number 2, lot number 1 at the present time there isn't a proposal for the development of that lot.

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MR. ARGENIO: Who owns the road right now currently?

MR. ZIMMERMAN: The road is I believe has been dedicated or deeded or dedicated to the town on a prior subdivision but it hasn't been improved so therefore I presume it's still in the ownership of H.C. Corporation or Helmer Cronin is the current owner.

MR. ARGENIO: How does that work, we get a road deeded to us if it's not up to standards?

MR. EDSALL: It's not deeded, I believe it was just an offer of dedication, town has never decided to take it as of yet.

MR. VAN LEEUWEN: I have been on this board a long time, Gerry, as you know, and there's some big problems in here because none of these roads have been dedicated because they were never put in properly. I'd like to see the highway superintendent go over there and sit down with you guys and iron out a few of the problems, clean that up before we do anymore subdividing because years ago, I made a motion that there be no more subdivisions until those roads get cleaned up. We've had lot of problems with the paper company in there and everything else, big potholes and complaints and complaints and complaints and I tell you once it's up here, don't come out too easy.

MR. ARGENIO: You need to speak to your applicant, Mr. Zimmerman, I think about the roads so we have Mark as best you recollect we have an offer of dedication on that road but we have not accepted it?

MR. EDSALL: That's my understanding.

MR. ARGENIO: Can I put you on the spot and ask you why not, as if I don't know based on Henry's comments?

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MR. EDSALL: Hank's correct, on Wembly Road which is another road in this overall Gateway Industrial Park. There have been a lot of concerns a lot of investigations, a lot of deficiencies, I don't, I'm not as familiar with Executive Drive which is this road which is the dead-end that comes in passed the glass building but I know that I believe that there are less problems with Executive Drive than there are with Wembly but nonetheless the highway superintendent has to write off on it.

MR. ARGENIO: One second, let's not get into Wembly, let's talk about what's in front of us.

MR. MINUTA: I do have some background on this particular property, my last research on this property is that it reportedly owned by Mr. Helmer or one of his subsidiaries, it was not deeded to the town because it did not meet town specs.

MR. VAN LEEUWEN: I just told you that.

MR. ARGENIO: What's your intentions, Mr. Zimmerman?

MR. ZIMMERMAN: Well, the intention here is to subdivide this particular lot that's in its entirety 13.7 acre parcel and to create the two lots and my client would like to build a medical office building on proposed lot number 2 that's in this subdivision.

MR. ARGENIO: I have that part already down. What are intentions with the road with the balance of the property? With the road, what are intentions with the road?

MR. ZIMMERMAN: Well, the intention, I'm speaking now for the owner of the property, but it would have I believe would need to be improved to the cul-de-sac as we show on the subdivision.

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MR. ARGENIO: Sir--

MR. VAN LEEUWEN: Excuse me, I just told you I made a motion many years ago no more subdividing on this property until these roads are cleaned up and these roads have never been cleaned up. So if I were you I'd go back and sit down with Bill Helmer, I know him and say let's clean this whole thing up and now we got the hammer, now we've got to do it this. This has been going on for 20 years, maybe 25.

MR. ARGENIO: Okay, look, guys, Henry, you've certainly sent that home loud and clear, we can't go too far with this application or the next application this evening anyway because both of them have to go to Orange County because they are within 500 feet of 207. So I certainly am aware of Vice Chairman Van Leeuwen's position on Wembly Road.

MR. VAN LEEUWEN: Won't get me to vote for it.

MR. ARGENIO: Hank wants it cleaned up and improved. What else do you have?

MR. VAN LEEUWEN: Mr. Scheible agrees.

MR. SCHEIBLE: I totally agree.

MR. ARGENIO: I don't want to beat it to death because there's certainly other issues.

MR. OLSEN: My name is John Olsen, I'm the construction manager for the project and this is the new owner of lot number 2. Our understanding that Mr. Helmer is going to put in a road according to town specs the cul-de-sac as part of his agreement to sell this piece of property so that will all be eventually once this property is developed during the course of the construction that road will be redone or put in according to the specs. As long as that's done will

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you think that will satisfy the board? Cause we have nothing to do with Wembly Place or the other portion of that property, you know, there's a little elevation difference, that's down about almost 20 feet from this upper portion, this is more an office area, this is more industrial area, so we're kind of separated from all the industrial uses down below.

MR. ARGENIO: What I'm hearing--

MR. VAN LEEUWEN: Not with me you're not.

MR. ARGENIO: What I'm hearing from Mr. Van Leeuwen is that he would prefer to see not only what you have just outlined, he would also prefer to see the balance of Executive Drive cleaned up and brought up to some standard. Is that clear?

MR. VAN LEEUWEN: Both roads, Wembly Road, there's another road.

MR. ARGENIO: Let's keep it relegated to what we're looking at here.

MR. SCHLESINGER: I have a question and I totally agree with Hank, you know, we've got to put the wagon, the horse before the wagon, however, the applicant's looking just for a subdivision, is that relative to the road?

MR. ARGENIO: Well, Neil, even if it's not, the next application is going to be the site plan for this so it is relative to one or the other. I'll accept a motion that the New Windsor Planning Board declare itself lead agency under the SEQRA review process.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

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MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA review process. No further discussion, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. SCHLESINGER | AYE |
| MR. BROWN | AYE |
| MR. MINUTA | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: The members will see number 5 there we're not going to talk about the public hearing with this application because in my estimation the second application is directly germane to this one so we'll talk about the public hearing under the second application. Mark, do we need to, we don't vote to have this, the county notified here, right?

MR. EDSALL: Myra and I will make sure that gets sent out.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: WILLIAM HELMER MINOR SUBDIVISION
(GATEWAY INDUSTRIAL PARK)
PROJECT LOCATION: OFF NYS ROUTE 300
SECTION 4 – BLOCK 3 – LOT 17.4
PROJECT NUMBER: 06-29
DATE: 8 NOVEMBER 2006
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 15.6 +/-
ACRE PARCEL INTO TWO (2) LOTS. THE PLAN WAS REVIEWED ON
A CONCEPT BASIS ONLY.

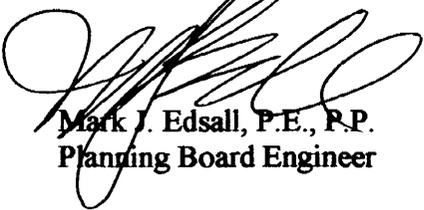
1. The property is located in the PI Zoning District of the Town. The bulk table on the plan is complete, with the exception of the need to add Development Coverage (max. 85%). The lots appear to comply with the code, with the following corrections to be made:
 - Lot width does pertain to Lot #2. Please list “provided” value in table.
 - Lot #1 width value would appear much greater than noted.
2. In a review of the tax maps as part of the application review, I note that Executive Drive is its own tax parcel. I inquire as to the existence of a maintenance agreement or the like, or the disposition until such time that it is offered and accepted as a Town Road.
3. The subdivision applicant is responsible for the extension of the roadway, to support the creation of the new lot. As such, the plan should include all roadway and utility extension plans and details related to the subdivision.
4. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
5. The Planning Board should determine if a Public Hearing will be necessary for this minor subdivision (in form of lot line change), or if same can be waived per Section 257-13 (A) of the Subdivision Regulations.

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

6. This project is within a 500-foot distance from NYS Route 207/300 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).
7. Stormwater management should be addressed on the plan, with at minimum details for soil erosion prevention during construction of the roadway and utilities.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW06-29-08Nov06.doc

:



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD

November 16, 2006

Town of New Windsor Highway Department
555 Union Avenue
New Windsor, NY 12553

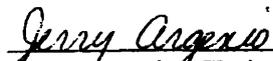
ATTENTION: ANTHONY FAYO,
HIGHWAY SUPERINTENDENT

SUBJECT: EXECUTIVE DRIVE – GATEWAY PLAZA

Dear Mr. Fay:

At the November 8TH, 2006 meeting of the Planning Board, concern was expressed over the final disposition of the road (I believe it is called Executive Drive) that leads to the proposed Gateway Medical Plaza subdivision off of NYS Route 207. I would like your help, along with our engineer, to insure that this section of road is brought to some reasonable standard for the use of the residents of the town. The applicant was told at the aforementioned meeting, in no uncertain terms, that this will be a condition of any approval associated with this project.

Thank you for your assistance with this issue.



Jerry Argenio, Chairman
New Windsor Planning Board

Cc: George Green, Supervisor

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#868-2006

10/31/2006

Helmer, William F. *P.B. 06-29*

Received \$ 75.00 for Planning Board Fees, on 10/31/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/31/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 6-29
NAME: GATEWAY MEDICAL PLAZA SUBDIVISION PA2006-1064
APPLICANT: WILLIAM HELMER

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|------------|------------------|--------|-----------|-----------|-----------|
| 10/23/2006 | REC. CK. #4617 | PAID | | 500.00 | |
| | | TOTAL: | 0.00 | 500.00 | -500.00 |

[Handwritten signature]
10/31/06



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

P.B. FILE #06-29 DATE RECEIVED: 10-23-06 TAX MAP #4-3-17.4

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: 11-06-06 TO BE ON AGENDA FOR THE 11-08-06 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

RECEIVED

GATEWAY MEDICAL PLAZA - SUBDIVISION

NOV 01 2006

Applicant or Project Name

N.W. HIGHWAY DEPT.

SITE PLAN _____, SUBDIVISION XXX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: _____

DISAPPROVED:

Notes: _____

Signature: *Christina* 11/8/06
Reviewed by date



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: **E 911 COORDINATOR**

P.B. FILE #06-29 DATE RECEIVED: 10-23-06 TAX MAP #4-3-17.4

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: 11-06-06 TO BE ON AGENDA FOR THE 11-08-06 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

GATEWAY MEDICAL PLAZA - SUBDIVISION

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XXX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: _____

DISAPPROVED:

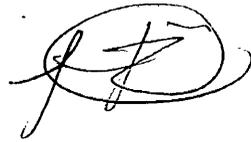
Notes: _____

Signature: *[Handwritten Signature]* 11/6/06
Reviewed by date

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Genaro Argenio, Planning Board Chairman

FROM: Francis Bedetti, Asst. Fire Inspector



**SUBJECT: PB-06-29
Gateway Medical Plaza-Subdivision
SBL: 4-3-17.4**

DATE: November 7, 2006

Fire Prevention Reference Number: FPS-06-049

**A review of the above referenced Subdivision plan has been conducted
and is acceptable.**



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

□ Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mhny@mhepc.com

□ Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1003

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: _____

WORK SESSION DATE: 18 Oct 06 PROJECT: NEW OLD _____

REAPPEARANCE AT W/S REQUESTED: No (later) RESUB. REQ'D: Full App

PROJECT NAME: Sarkissian S/P + Sub (Two Apps)

REPRESENTATIVES PRESENT: Bill Helmer / May Serkerian / John Attili

MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. _____
ENGINEER PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED: 1st day of the 5th formed

- @ end of Exec Drive (where school buses parked)
- Gerry Z. Engineer
- Attili surveyor
- decide pk 1/100 or 1/125
- curb
- poss 50' vs 60'
- overlaid vs piped drainage from site to Wembly to Mt Attili channel.
- Cy issue disc w B.O.H.

STND CHECKLIST:

- DRAINAGE _____
- DUMPSTER _____
- SCREENING _____
- LIGHTING _____
(Streetlights)
- LANDSCAPING _____
- BLACKTOP _____
- ROADWAYS _____
- APPROVAL BOX _____

PROJECT TYPE

- SITE PLAN
- SPEC PERMIT _____
- LL CHG. _____
- SUBDIVISION
- OTHER _____

PROJECT STATUS:

ZBA Referral: _____ Y N
Ready For Meeting Y CONCEPT
Recommended Mtg Date next
await

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision Lot Line Change Site Plan Special Permit

Tax Map Designation: Sec. 4 Block 3 Lot 17.4

BUILDING DEPARTMENT PERMIT NUMBER:

PA -
MUST FILL IN THIS NUMBER

1. Name of Project GATEWAY MEDICAL PLAZA

2. Owner of Record WILLIAM HELMER Phone 845-942-1330

Address: 27 ROUTE 210, STONY POINT, NY 10980
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant SAME Phone _____

Address: _____
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan ATZL SCATASSA & ZIGLER PC Phone 845-634-4694

Address: 234 NORTH MAIN ST, NEW CITY, NY 10956
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney _____ Phone _____

Address: _____
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

JOHN ATZL
ATZL SCATASSA & ZIGLER 634-4694 634-5543
(Name) (Phone) (fax)

7. Project Location: On the SOUTH side of ROUTE 300 OFF. ROUTE 207
(Direction) (Street)

8. Project Data: Acreage 15.6 ACS Zone P1 School Dist. NEW WINDSOR

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No

*This information can be verified in the Assessor's Office.

*If you answer yes to question 9, please complete the attached Agricultural Data Statement.

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) TWO LOT SUBDIVISION - VACANT LAND IN WAREHOUSE AND OFFICE PARK

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no
12. Has a Special Permit previously been granted for this property? yes _____ no

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)
SS.:
COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION

SWORN BEFORE ME THIS:

23rd DAY OF October 2006

William Feldman
(OWNER'S SIGNATURE)

[Signature]
(AGENT'S SIGNATURE)

John R. Atti
Please Print Agent's Name as Signed

Commission Expires July 19, 2009
Qualified in Rockland County
No. 0185015493
Notary Public, State of New York
ANTHONY BRUNO, JR.

[Signature]
NOTARY PUBLIC

TOWN USE ONLY RECEIVED
TOWN OF NEW WINDSOR
OCT 23 2006
DATE APPLICATION RECEIVED
06-29
APPLICATION NUMBER

TOWN OF NEW WINDSOR PLANNING BOARD SUBDIVISION/LOT LINE CHANGE CHECKLIST

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

- 1. ✓ Name and address of Applicant.
 - * 2. ✓ Name and address of Owner.
 - 3. ✓ Subdivision name and location
 - 4. ✓ **Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN)**
- SAMPLE:** 
- 5. ✓ Tax Map Data (Section, Block & Lot).
 - 6. ✓ Location Map at a scale of 1" = 2,000 ft.
 - 7. ✓ Zoning table showing what is required in the particular zone and what applicant is proposing.
 - 8. ✓ Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
 - 9. ✓ Date of plat preparation and/or date of any plat revisions.
 - 10. ✓ Scale the plat is drawn to and North arrow.
 - 11. ✓ Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
 - 12. ✓ Surveyor's certificate.
 - 13. ✓ Surveyor's seal and signature.
 - 14. ✓ Name of adjoining owners.
 - 15. N/A Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
 - * 16. N/A Flood land boundaries.
 - 17. N/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.

- 18. ✓ Final metes and bounds.
- 19. ✓ Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
- 20. ✓ Include existing or proposed easements.
- 21. ✓ Right-of-way widths.
- 22. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
- 23. ✓ Lot area (in square feet for each lot less than 2 acres).
- 24. ✓ Number the lots including residual lot.
- 25. ✓ Show any existing waterways.
- *26. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
- 27. ✓ Applicable note pertaining to owner's review and concurrence with plat together with owner's signature.
- 28. N/A Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
- 29. N/A Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
- 30. N/A Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
- 31. N/A Provide A septic system design notes as required by the Town of New Windsor.
- 32. ✓ Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
- 33. ✓ Indicate percentage and direction of grade.
- 34. ✓ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
- 35. N/A Indicate location of street or area lighting (if required).

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. ✓ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

37. ✓ A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: [Signature] 10-19-06
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ **PLEASE NOTE:** ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

06-29

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

| | |
|--|---|
| 1. APPLICANT/SPONSOR WILLIAM HELMER | 2. PROJECT NAME GATEWAY MEDICAL PLAZA |
| 3. PROJECT LOCATION: Municipality TOWN OF NEW WINDSOR County ORANGE | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) NYS ROUTE 300 OPPOSITE NYS ROUTE 207 | |
| 5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: TWO LOT SUBDIVISION IN P1 ZONE LOCATED IN EXISTING OFFICE/WAREHOUSE COMPLEX | |
| 7. AMOUNT OF LAND AFFECTED: Initially <u>15.6</u> acres Ultimately <u>15.6</u> acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: OFFICE, WAREHOUSE & LIGHT INDUSTRIAL USES. | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: WILLIAM HELMER Date: 10-19-00 Signature: X William Helmer | |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

06-29

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

06-29

RCC/B...
"XX"

ATTACHMENTS

- 1. Flood Hazard Area Development Permit Application Form.
- 2. Certificate of Compliance

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

NOT REQUIRED
[Handwritten Signature]

06-29

AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

WILLIAM HELMER, deposes and says that he resides
(OWNER)

at 27 ROUTE 210, STONY POINT in the County of ROCKLAND
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. Block Lot)
designation number (Sec. 4 Block 3 Lot 174) which is the premises described in
the foregoing application and that he designates:

JOHN ATZL ATZL SCATASSA & ZIGLER, PC
(Agent Name & Address)

JOHN ATZL - ATZL SCATASSA & ZIGLER, PC
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

SWORN BEFORE ME THIS:

27th DAY OF October 2006

ANTHONY BRUNO, JR.
Notary Public, State of New York
No. 01BR5015493
Qualified in Rockland County
Commission Expires July 19, 2008

[Signature]
NOTARY PUBLIC

**X William Helmer
Owner's Signature (MUST BE NOTARIZED)

[Signature]
Agent's Signature (If Applicable)

[Signature]
Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

06-29



LOT 1
 PORTION OF TL 4-3-17.4 AS
 DEPICTED ON FILE MAP
 ENTITLED "SUBDIVISION OF LANDS
 FOR GATEWAY INTERNATIONAL PARK".
 GROSS LOT AREA= 579,874 SQ. FT.
 LESS EASEMENT AREA= 48,361 SQ. FT.
 NET LOT AREA= 531,513 SQ. FT.

LOT 2
 GROSS LOT AREA= 100,000 SQ. FT.
 LESS EASEMENT AREA= 7,500 SQ. FT.
 NET LOT AREA= 92,500 SQ. FT.



VICINITY MAP
 1 IN. = 1,000 FT.

OWNER & APPLICANT

WILLIAM F. HELMER
 27 ROUTE 210
 STONY POINT, NEW YORK 10980

TAX MAP REFERENCE

TOWN OF NEW WINDSOR TAX MAP
 SECTION 4, BLOCK 3, LOTS 17.4 & 17.6
 TOTAL AREA OF TL 4-3-17.4 = 15,6077 ACS.

BULK REQUIREMENTS

EXISTING ZONE PI
 MINIMUM GROSS LOT AREA
 MINIMUM NET LOT AREA
 MINIMUM LOT WIDTH
 MINIMUM FRONT YARD
 MINIMUM SIDE YARD
 MINIMUM TOTAL BOTH SIDE YARD
 MINIMUM REAR YARD
 MINIMUM STREET FRONTAGE
 MINIMUM BUILDING HEIGHT
 MAXIMUM FLOOR AREA RATIO
 MAXIMUM DEVELOPMENT COVERAGE

SUBDIVISION REFERENCE:

GATEWAY INDUSTRIAL PARK
 FILED IN THE ORANGE COUNTY
 CLERK'S OFFICE ON JULY 1, 1988
 AS MAP No. 8957.

| REQUIRED | LOT 1 PROVIDED | LOT 2 PROVIDED |
|--------------------|-----------------|-----------------|
| 40,000 SQ. FT. | 579,874 SQ. FT. | 100,000 SQ. FT. |
| 24,000 SQ. FT. | 531,513 SQ. FT. | 92,500 SQ. FT. |
| 150 FT. | 1,340 FT. | 400 FT. |
| 50 FT. | 50 FT. | 50 FT. |
| 15 FT. | 15 FT. | 15 FT. |
| 40 FT. | 40 FT. | 40 FT. |
| 40 FT. | 20 FT. | 20 FT. |
| N/A | N/A | N/A |
| 12'/FT. TO NEAREST | N/A | N/A |
| 0.60 | 0.60 | 0.60 |
| 85% | 85% | 85% |

LEGEND

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- EXISTING ZONE LINE
- EXISTING STONEWALL
- EXISTING WATERLINE
- W EXISTING FIRE HYDRANT
- G EXISTING GAS LINE
- CB EXISTING CATCH BASIN
- CBG EXISTING CATCH BASIN GRATE
- DMH EXISTING DRAINAGE MANHOLE
- SDM EXISTING STORM DRAIN MANHOLE
- SMH EXISTING SEWER MANHOLE
- S EXISTING SEWER LINE
- UP EXISTING UTILITY POLE
- LP EXISTING LIGHT POLE

| REVISION | DATE | DESCRIPTION |
|----------|----------|-----------------------------------|
| 9 | 10-24-07 | GEN. REV. |
| 8 | 10-22-07 | REV. PVMT. DETAIL (DRWG. 3) |
| 7 | 05-25-07 | PER M.H&E COMMENTS 5-23-07 |
| 6 | 05-03-07 | GENERAL REVISIONS |
| 5 | 04-03-07 | GENERAL REVISIONS |
| 4 | 01-25-07 | PER M.H&E AND PB COMMENTS 1-14-07 |
| 3 | 01-10-07 | REVISE AREA LOT 1 & OWNER INFO |
| 2 | 12-11-06 | GENERAL REVISIONS |
| 1 | 11-21-06 | PER M.H&E COMMENTS 11-8-06 |

WE HEREBY CERTIFY THAT
 THIS SUBDIVISION PLAT WAS
 PREPARED BY US, AND WAS
 MADE FROM AN ACTUAL SURVEY
 COMPLETED BY US ON 10-02-2006

JOHN R. ATZL
 N.Y.S. LICENSE NO. 30228

ATZL, SCATASSA & ZIGLER P.C.
 SURVEYORS-PLANNERS
 234 North Main Street • New City, New York 10956
 Tel: (845) 634-4694 FAX: (845) 634-5543
 156 Orange Avenue • Walden, New York 12586
 Tel: (845) 778-4590 FAX: (845) 778-2385
 Email: ASZSurveys@aol.com

Ray Ahmadi, Ph.D., P.E.
 Andrew S. Atzl, P.L.S.
 John R. Atzl, P.L.S.
 David M. Zigler, P.L.S.

GATEWAY MEDICAL PLAZA

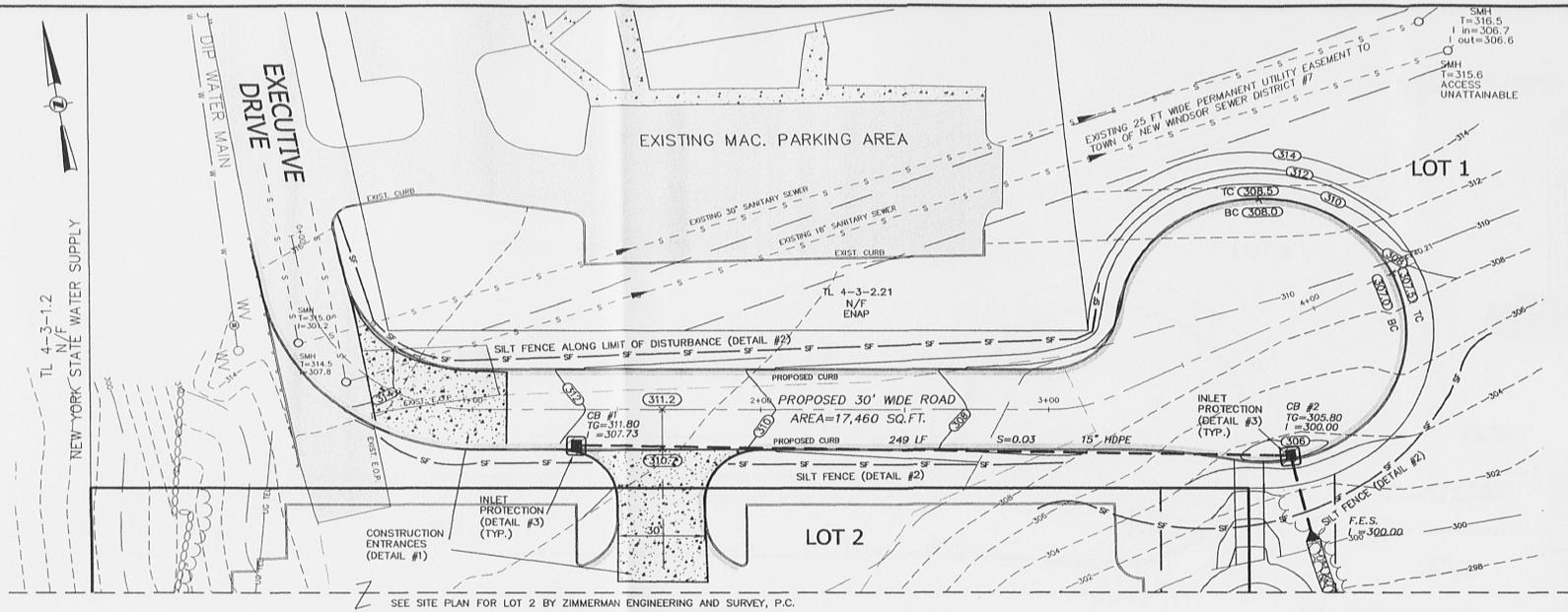
TOWN OF NEW WINDSOR
 ORANGE COUNTY, NEW YORK

SUBDIVISION PLAT

DRAWN BY: VC
 DATE: OCTOBER 19, 2006
 PROJECT NO: 3345

CHECKED BY: ASA
 SCALE: 1 IN. = 50 FT.
 DRAWING NO: 1

APPROVAL GRANTED BY TOWN OF NEW WINDSOR
 NOV - 7 2006



SEE SITE PLAN FOR LOT 2 BY ZIMMERMAN ENGINEERING AND SURVEY, P.C.

SEDIMENT & EROSION CONTROL NOTES

- FABRIC FENCE WILL BE INSTALLED ALONG THE PROPOSED ROAD AND THE ADJACENT PROPERTY OWNERS AND ALL DISTURBED AREAS.
- TEMPORARY SEEDING SHALL BE APPLIED TO DISTURBED AREAS THAT ARE LEFT BARE FOR 15 DAYS UNLESS CONSTRUCTION WILL BE BEGIN WITHIN 30 DAYS. IF CONSTRUCTION IS SUSPENDED OR COMPLETED, AREAS SHALL BE SEED OR MULCHED IMMEDIATELY.
- STRUCTURAL MEASURES MUST BE MAINTAINED TO BE EFFECTIVE. IN GENERAL, THESE MEASURES MUST BE PERIODICALLY INSPECTED TO INSURE STRUCTURAL INTEGRITY, DETECT VANDALISM DAMAGE, AND FOR MAINTENANCE AND REPAIR WHENEVER NECESSARY.
- A STABILIZED CONSTRUCTION ENTRANCE SHALL BE INSTALLED AT THE BEGINNING OF THE PROPOSED ROAD.
- MACADAM SURFACES SHALL BE SWEEP "BROOM CLEAN" AT THE END OF EACH DAY DURING CONSTRUCTION.
- CONSTRUCTION EQUIPMENT SHALL BE LIMITED TO AREAS WITHIN THE SILT FENCE SEDIMENT PROTECTION AREA.

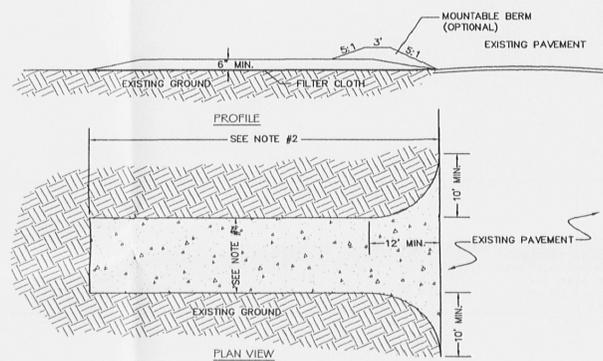
EROSION CONTROL PHASING

PHASE I - IMMEDIATELY AFTER CLEARING

- STABILIZED CONSTRUCTION ENTRANCE (DETAIL #1)
- SILT FENCING (DETAIL #2)

PHASE II - IMMEDIATELY FOLLOWING INSTALLATION OF SEWER & DRAINAGE

- STORM INLET TRAP (DETAIL #3) AROUND ALL CATCH BASINS



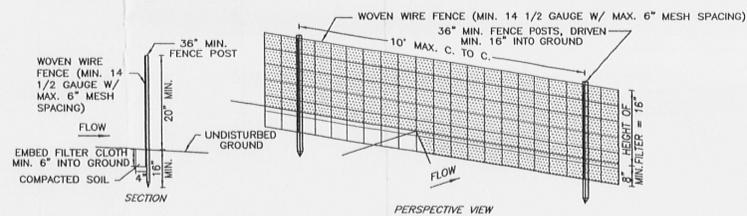
DETAIL #1 CONSTRUCTION ENTRANCE N.T.S.

SPECIFICATIONS FOR CONSTRUCTION ENTRANCE

- STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- LENGTH - NOT LESS THAN 50 FT. (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FT. MINIMUM LENGTH WOULD APPLY).
- THICKNESS - NOT LESS THAN 6 IN.
- WIDTH - 12 FT. MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS AND EGRESS OCCUR. 24 FT. IF SINGLE ENTRANCE TO SITE.
- FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO THE PLACEMENT OF STONE.
- SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
- MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAYS. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAYS MUST BE REMOVED IMMEDIATELY.
- WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS TO AN APPROVED SEDIMENT TRAPPING DEVICE.
- PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

CONSTRUCTION NOTES FOR PRE FABRICATED SILT FENCE

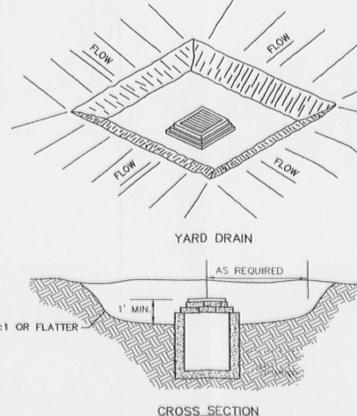
- WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
- FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
- WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFL 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
- PREFABRICATED UNITS SHALL BE GEOFAB, ENVROFENCE, OR APPROVED EQUIVALENT.
- MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.



DETAIL #2 SILT FENCE N.T.S.

SPECIFICATIONS FOR CATCH BASIN SEDIMENT TRAP

- SEDIMENT SHALL BE REMOVED AND THE TRAP RETURNED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED TO 1/2 THE DESIGN DEPTH OF THE TRAP. REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
- THE VOLUME OF SEDIMENT STORAGE SHALL BE 1800 CUBIC FEET PER ACRE OF CONTRIBUTORY DRAINAGE.
- THE STRUCTURE SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRS MADE AS NEEDED.
- CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION SHALL BE MINIMIZED.
- THE SEDIMENT TRAP SHALL BE REMOVED AND THE AREA STABILIZED WHEN THE CONSTRUCTED DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.
- ALL CUT SLOPES SHALL BE 1:1 OR FLATTER.



DETAIL #3 STORM INLET PROTECTION N.T.S.

LEGEND

| | | | |
|-----|----------------------------|-----|----------------------------|
| --- | EXISTING 2' CONTOUR | --- | PROPOSED 1' CONTOUR |
| --- | EXISTING 10' CONTOUR | --- | PROPOSED 5' CONTOUR |
| □ | EXISTING CATCH BASIN | ■ | PROPOSED CATCH BASIN |
| □ | EXISTING CATCH BASIN GRATE | ■ | PROPOSED CATCH BASIN GRATE |
| --- | EXISTING STORM DRAIN LINE | --- | PROPOSED STORM DRAIN LINE |
| ○ | EXISTING SEWER MANHOLE | + | PROPOSED SPOT ELEVATION |
| + | EXISTING SPOT ELEVATION | --- | PROPOSED SILT FENCE |
| ○ | EXISTING UTILITY POLE | --- | PROPOSED PAVEMENT & CURB |
| ○ | EXISTING LIGHT POLE | | |
| --- | EXISTING ZONE LINE | | |
| --- | EXISTING STONEWALL | | |
| --- | EXISTING WATERLINE | | |
| --- | EXISTING FIRE HYDRANT | | |
| --- | EXISTING GAS LINE | | |
| --- | EXISTING SEWER LINE | | |



| REVISION | DATE | DESCRIPTION |
|----------|----------|-----------------------------------|
| 8 | 10-24-07 | GEN. REV. |
| 7 | 10-22-07 | REV. PVMT. DETAIL (DRWG. 3) |
| 6 | 05-25-07 | PER M,H&E COMMENTS 5-23-07 |
| 5 | 05-03-07 | GENERAL REVISIONS |
| 4 | 04-03-07 | GENERAL REVISIONS |
| 3 | 01-25-07 | PER M,H&E AND PB COMMENTS 1-14-07 |
| 2 | 01-10-07 | REVISE AREA |
| 1 | 12-11-06 | GENERAL REVISIONS |

Ray Ahmadi, Ph.D., P.E.
Andrew S. Atzli, P.L.S.
John R. Atzli, P.L.S.
David M. Zigler, P.L.S.

ATZL, SCATASSA & ZIGLER P.C.

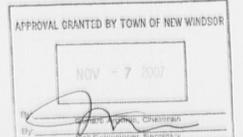
SURVEYORS-PLANNERS
234 North Main Street · New City, New York 10956
Tel: (845) 634-4694 · FAX: (845) 634-5543
156 Orange Avenue · Walden, New York 12586
Tel: (845) 778-4590 · FAX: (845) 778-2385
Email: ASZSurveys@aol.com

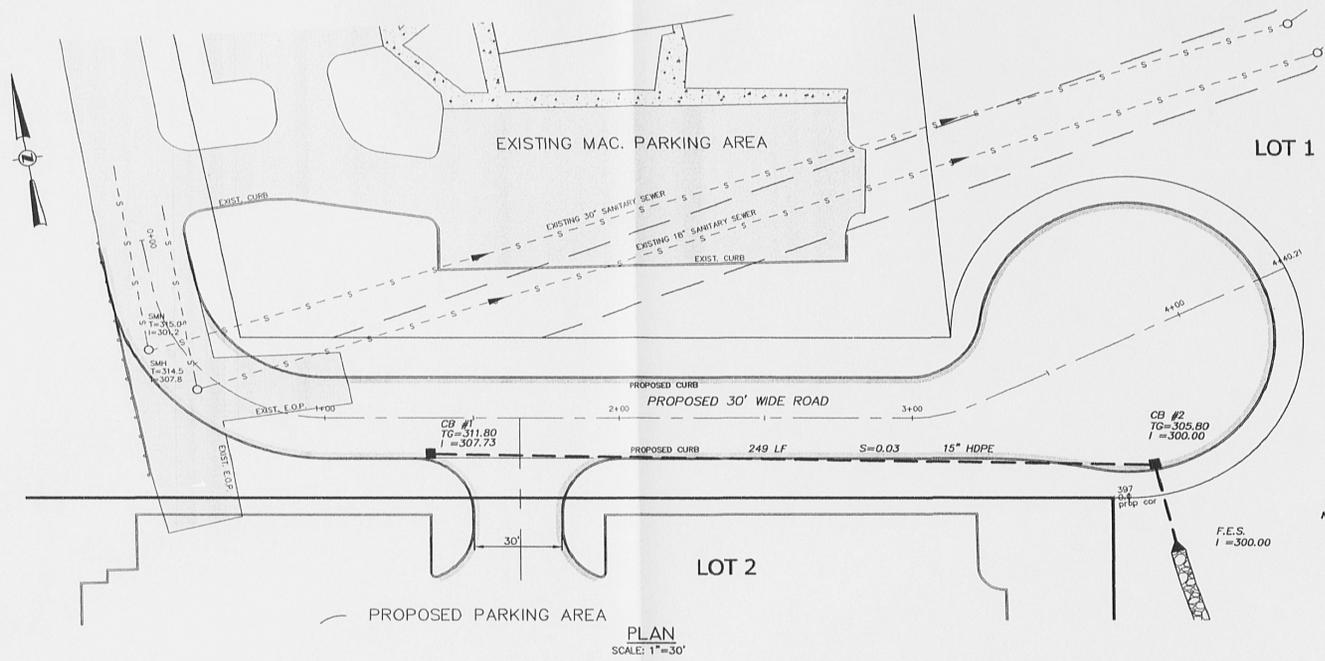
PROJECT: **GATEWAY MEDICAL PLAZA**

TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

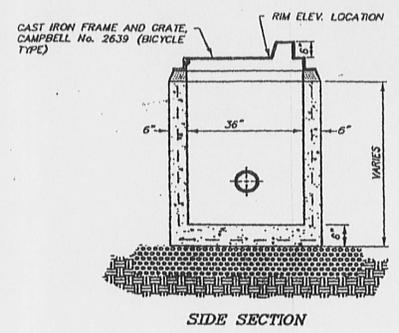
ROAD GRADING & EROSION CONTROL PLAN

DRAWN BY: KH CHECKED BY: JRA
DATE: NOVEMBER 20, 2006 SCALE: 1 IN. = 30 FT.
PROJECT NO: 3345 DRAWING NO: 2

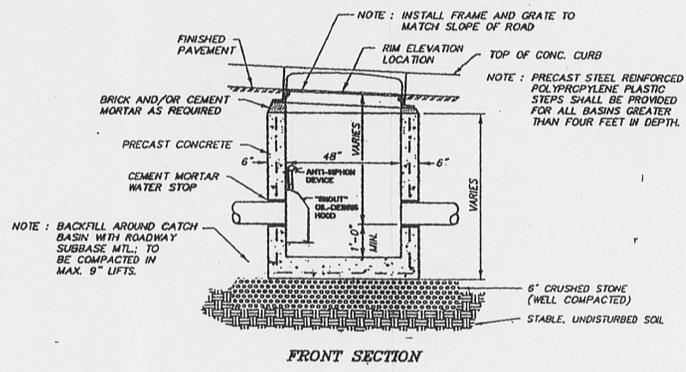




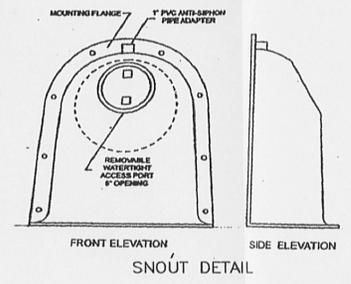
PLAN
SCALE: 1"=30'



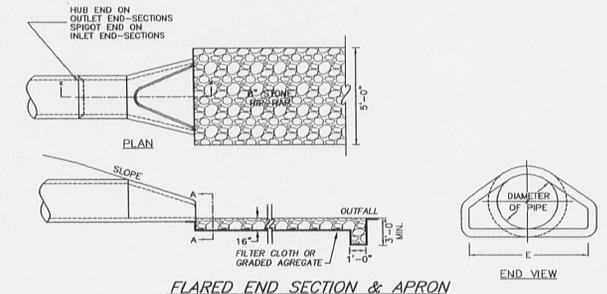
SIDE SECTION



FRONT SECTION

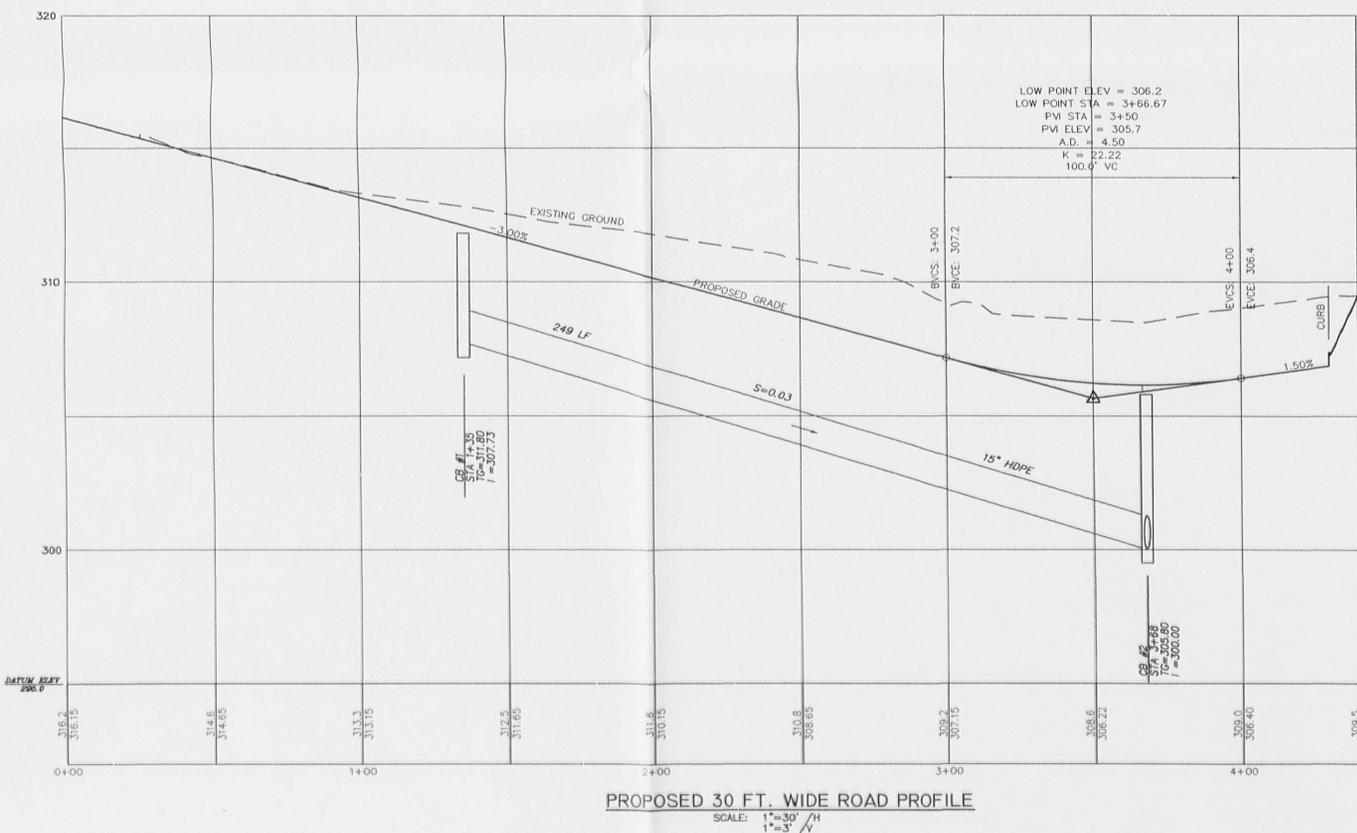


SNOUT DETAIL

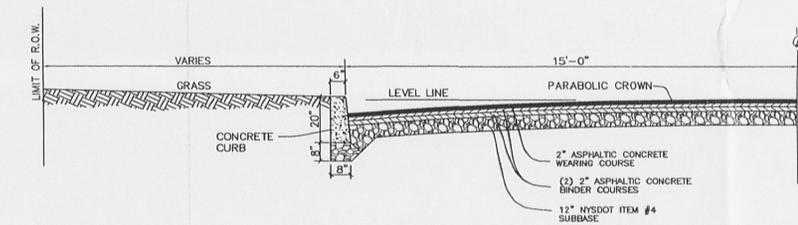


FLARED END SECTION & APRON
DETAIL FOR OUTLET STRUCTURE
N.T.S.

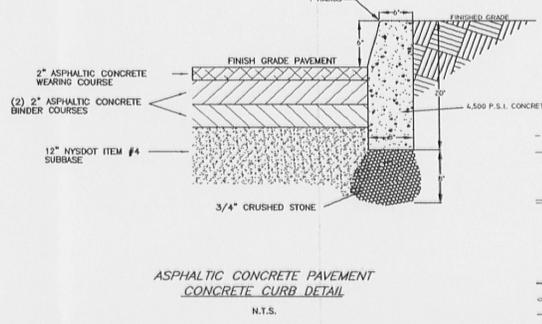
CATCH BASIN DETAIL
NOTE: TOWNSHIP OF NEW WINDSOR STANDARD DETAIL, PREPARED BY M&E CONSULTING ENGINEERS, P.C.



PROPOSED 30 FT. WIDE ROAD PROFILE
SCALE: 1"=30' V, 1"=3' H



STREET SECTION & SPECIFICATION
N.T.S.



ASPHALTIC CONCRETE PAVEMENT
CONCRETE CURB DETAIL
N.T.S.

LEGEND

| | | | |
|---------|----------------------------|-------|----------------------------|
| --- | EXISTING 2' CONTOUR | --- | PROPOSED 1' CONTOUR |
| --- | EXISTING 10' CONTOUR | --- | PROPOSED 5' CONTOUR |
| □ CB | EXISTING CATCH BASIN | ■ CB | PROPOSED CATCH BASIN |
| □ CBG | EXISTING CATCH BASIN GRATE | ■ CBG | PROPOSED CATCH BASIN GRATE |
| --- | EXISTING STORM DRAIN LINE | --- | PROPOSED STORM DRAIN LINE |
| ○ SMH | EXISTING SEWER MANHOLE | + | PROPOSED SPOT ELEVATION |
| + 360.0 | EXISTING SPOT ELEVATION | --- | PROPOSED SILT FENCE |
| □ UP | EXISTING UTILITY POLE | --- | PROPOSE PAVEMENT & CURB |
| ☆ LP | EXISTING LIGHT POLE | | |
| --- | EXISTING ZONE LINE | | |
| --- | EXISTING STONEWALL | | |
| --- | EXISTING WATERLINE | | |
| --- | EXISTING FIRE HYDRANT | | |
| --- | EXISTING GAS LINE | | |
| --- | EXISTING SEWER LINE | | |

| | | |
|----------|----------|-----------------------------------|
| 8 | 10-24-07 | GEN. REV. |
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| 3 | 01-25-07 | PER M,H&E AND PB COMMENTS 1-14-07 |
| 2 | 01-10-07 | REVISE AREA |
| 1 | 12-11-06 | GENERAL REVISIONS |
| REVISION | DATE | DESCRIPTION |

ASZ
ATZL, SCATASSA & ZIGLER P.C.
SURVEYORS-PLANNERS
234 North Main Street · New City, New York 10956
Tel: (845) 634-4694 · FAX: (845) 634-5543
156 Orange Avenue · Walden, New York 12586
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PROJECT: **GATEWAY MEDICAL PLAZA**

TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

TITLE: **PROFILE & DETAILS**

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|-------------------------|-----------------|
| DRAWN BY: KH | CHECKED BY: JRA |
| DATE: NOVEMBER 20, 2006 | SCALE: AS SHOWN |
| PROJECT NO: 3345 | DRAWING NO: 3 |

APPROVAL GRANTED BY TOWN OF NEW WINDSOR
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